

RCW 43.60A.130 Counseling--Posttraumatic stress disorder and combat stress program.

The department of veterans affairs shall design its posttraumatic stress disorder and combat stress programs and related activities to provide veterans with as much privacy and confidentiality as possible and yet consistent with sound program management.

[1991 c 55 § 4.]

RCW 43.60A.900 Transfer of personnel of department of social and health services engaged in veterans' services--Rights preserved.

All employees and personnel of the department of social and health services directly engaged in services to veterans shall, on June 25, 1976, be transferred to the jurisdiction of the department of veterans affairs. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

[1975-'76 2nd ex.s. c 115 § 9.]

RCW 43.60A.901 Transfer of property, records, funds, assets of agencies whose functions are transferred to department.

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of all departments and agencies of state government concerned with veterans services, and pertaining to the functions affected by this chapter, shall be delivered to the custody of the department of veterans affairs. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties transferred by this chapter shall be made available to the department. All funds, credits, or other assets held in connection with the functions transferred by this chapter shall be assigned to the department.

Any appropriations made to the department of social and health services or other departments or agencies affected by this chapter for the purpose of carrying out the powers and duties transferred by this chapter, shall on June 25, 1976, be transferred and credited to the department of veterans affairs for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this chapter, the director of financial management or successor thereto shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned.

[1979 c 151 § 125; 1975-'76 2nd ex.s. c 115 § 10.]

RCW 43.60A.902 Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department to be continued--Savings.

All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this chapter pertaining to matters transferred by this chapter, as of June 25, 1976, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions transferred by this chapter shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties, and functions, shall affect the validity of any act performed by such department or agency or division thereof or any officer or employee thereof prior to June 25, 1976.

[1975-'76 2nd ex.s. c 115 § 11.]

RCW 43.60A.903 Certification when apportionments of budgeted funds required because of transfers.

If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the director of financial management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

[1979 c 151 § 126; 1975-'76 2nd ex.s. c 115 § 12.]

RCW 43.60A.904 Federal programs--Rules and regulations--Internal reorganization to meet federal requirements--Construction to comply with federal law--Conflicting parts inoperative.

In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this chapter, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any part of this chapter is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict.

[1975-'76 2nd ex.s. c 115 § 13.]

RCW 43.60A.905 Savings--1975-'76 2nd ex.s. c 115.

Nothing in this chapter shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, 43.61.030, 43.61.040, or 43.61.070, as now or hereafter amended, except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to June 25, 1976.

[1983 c 3 § 112; 1975-'76 2nd ex.s. c 115 § 15.]

RCW 43.60A.906 Collective bargaining units or agreements not altered.

Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

[1993 c 281 § 52; 1975-'76 2nd ex.s. c 115 § 16.]

Notes:

Effective date--1993 c 281: See note following RCW 41.06.022.

RCW 43.60A.907 Liberal construction--1975-'76 2nd ex.s. c 115.

The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the director the maximum possible freedom in carrying the provisions of this chapter into effect.

[1975-'76 2nd ex.s. c 115 § 17.]

RCW 43.60A.908 Severability--1975-'76 2nd ex.s. c 115.

If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975-'76 2nd ex.s. c 115 § 25.]

**Chapter 43.61 RCW
VETERANS' REHABILITATION COUNCIL**

Sections

- 43.61.030 Contracts with veterans' organizations to provide veterans services--Use of funds.
43.61.040 Director of veterans affairs to make rules and regulations--Veteran services--Annual report.
43.61.060 Donations may be accepted--Procedure for allotment and use.
43.61.070 Payments to veterans' organizations--Approval by director of veterans affairs.

Notes:

Department of veterans affairs: Chapter 43.60A RCW.

RCW 43.61.030 Contracts with veterans' organizations to provide veterans services--Use of funds.

The director of veterans affairs is empowered to contract with any veterans' organizations, now or hereafter chartered by act of congress to provide veterans services. All sums paid to veterans' organizations under contract shall be used by the organizations as specified in the contract in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective member organizations.

[1983 c 260 § 1; 1975-'76 2nd ex.s. c 115 § 21; 1971 ex.s. c 189 § 5; 1970 ex.s. c 18 § 33; 1965 c 8 § 43.61.030. Prior: 1947 c 110 § 6; RRS § 10758-105.]

Notes:

Savings--Construction--Severability--1975-'76 2nd ex.s. c 115: See RCW 43.60A.905, 43.60A.907, 43.60A.908.

Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 43.61.040 Director of veterans affairs to make rules and regulations--Veteran services--Annual report.

The director of veterans affairs shall make such rules and regulations as may be necessary to carry out the purposes of this chapter. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and services not provided by some other agency of the state or by the federal government. The director shall submit a report of the departments' activities hereunder each year to the governor.

[1977 c 75 § 60; 1975-'76 2nd ex.s. c 115 § 22; 1971 ex.s. c 189 § 6; 1970 ex.s. c 18 § 34; 1965 c 8 § 43.61.040. Prior: 1947 c 110 § 3; RRS § 10758-102.]

Notes:

Savings--Construction--Severability--1975-'76 2nd ex.s. c 115: See RCW 43.60A.905, 43.60A.907, 43.60A.908.

Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 43.61.060 Donations may be accepted--Procedure for allotment and use.

The department of veterans affairs may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the general fund and may be allotted and used in accordance with the donors' instructions as an unanticipated receipt pursuant to RCW 43.79.270 through 43.79.282 as now existing or hereafter amended.

[1979 ex.s. c 59 § 1; 1971 ex.s. c 189 § 7; 1965 c 8 § 43.61.060. Prior: 1947 c 110 § 5; RRS § 10758-104.]

RCW 43.61.070 Payments to veterans' organizations--Approval by director of veterans affairs.

Payments to any veterans' organization shall first be approved by the director of veterans affairs and insofar as possible shall be made on an equitable basis for work done.

[1975-'76 2nd ex.s. c 115 § 24; 1970 ex.s. c 18 § 36; 1965 c 8 § 43.61.070. Prior: 1947 c 110 § 7; RRS § 10758-106.]

Notes:

Savings--Construction--Severability--1975-'76 2nd ex.s. c 115: See RCW 43.60A.905, 43.60A.907, 43.60A.908.

Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

Chapter 43.62 RCW

DETERMINATION OF POPULATIONS--STUDENT ENROLLMENTS

Sections

- 43.62.010 Office of financial management--Population studies--Expenditures.
- 43.62.020 Method of allocating state funds to cities and towns prescribed.
- 43.62.030 Determination of population--Cities and towns--Certificate--Allocation of state funds.
- 43.62.035 Determining population--Projections.
- 43.62.040 Assistance to office of financial management--Determination by office of financial management conclusive.
- 43.62.050 Student enrollment forecasts--Report.

RCW 43.62.010 Office of financial management--Population studies--Expenditures.

If the state or any of its political subdivisions, or other agencies, use the population studies services of the office of financial management or the successor thereto, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Expenditures shall be paid out of funds allocated to cities and towns under RCW 82.44.155 and shall be paid from said fund before any allocations or payments are made to cities and towns under RCW 82.44.155.

[1990 c 42 § 317; 1979 c 151 § 127; 1975-'76 2nd ex.s. c 34 § 121; 1965 c 8 § 43.62.010. Prior: 1957 c 175 § 1; 1951 c 96 § 1; 1947 c 51 § 2; RRS § 5508-11.]

NOTES:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.62.020 Method of allocating state funds to cities and towns prescribed.

Whenever cities and towns of the state are, by law, allocated and entitled to be paid any funds or state moneys from any source, and the allocation and payment is required to be made on a populations basis, notwithstanding the provisions of any other law to the contrary, all such allocations shall be made on the basis of the population of the respective cities and towns as last determined by the office of financial management: PROVIDED, That the regular federal decennial census figures released for cities and towns shall be considered by the office of financial management in determining the population of cities and towns.

[1979 c 151 § 128; 1965 c 8 § 43.62.020. Prior: 1957 c 175 § 2; prior: (i) 1949 c 60 § 1; RRS § 5508-3. (ii) 1947 c 51 § 1; RRS § 5508-10.]

RCW 43.62.030 Determination of population--Cities and towns--Certificate--Allocation of state funds.

The office of financial management shall annually as of April 1st, determine the populations of all cities and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the agency: PROVIDED, That whenever territory is annexed to a city or town, the population of the annexed territory shall be added to the population of the annexing city or town upon the effective date of the annexation as specified in the relevant ordinance, and upon approval of the agency as provided in RCW 35.13.260, as now or hereafter amended, a revised certificate reflecting the determination of the population as increased from such annexation shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be used as the basis for allocation and payment of state funds to such city or town until the next annual population determination becomes effective: PROVIDED FURTHER, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the agency shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: PROVIDED FURTHER, That in case

any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the agency shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the agency of the incorporation of each new city and town and of the disincorporation of any cities or towns.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate due to an annexation is forwarded by the agency thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

Armed forces shipboard population, on-base naval group quarter population, and military dependents living in housing under United States navy jurisdiction, shall be determined quarterly by the office of financial management on the first days of January, April, July, and October. These counts shall be used to increase or decrease the armed forces component of the resident population determinations in the cities of Bremerton and Everett for the purpose of allocating state revenues according to this section. Counts on the first day of the quarterly periods commencing with January, April, July, and October shall be used to adjust the total population for the following quarter, in the same manner adjustments are made for population changes due to annexation as specified in RCW 35.13.260 and 35A.14.700.

Population determinations made under this section shall include only those persons who meet resident population criteria as defined by the federal bureau of the census.

[1988 c 260 § 1; 1979 c 151 § 129; 1977 c 75 § 61; 1969 ex.s. c 50 § 2; 1965 c 8 § 43.62.030. Prior: 1957 c 175 § 3; 1951 c 96 § 2.]

Notes:

Determination of population of area annexed to city: RCW 35.13.260.

RCW 43.62.035 Determining population--Projections.

The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every five years or upon the availability of decennial census data, whichever is later, the office of financial management shall prepare twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties and the cities in those counties before final adoption. The county and its cities may provide to the office such information as they deem relevant to the office's projection, and the office shall consider and

comment on such information before adoption. Each projection shall be expressed as a reasonable range developed within the standard state high and low projection. The middle range shall represent the office's estimate of the most likely population projection for the county. If any city or county believes that a projection will not accurately reflect actual population growth in a county, it may petition the office to revise the projection accordingly. The office shall complete the first set of ranges for every county by December 31, 1995.

A comprehensive plan adopted or amended before December 31, 1995, shall not be considered to be in noncompliance with the twenty-year growth management planning population projection if the projection used in the comprehensive plan is in compliance with the range later adopted under this section.

[1997 c 429 § 26; 1995 c 162 § 1; 1991 sp.s. c 32 § 30; 1990 1st ex.s. c 17 § 32.]

Notes:

Severability--1997 c 429: See note following RCW 36.70A.3201.

Effective date--1995 c 162: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 27, 1995]." [1995 c 162 § 2.]

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 43.62.040 Assistance to office of financial management--Determination by office of financial management conclusive.

The department of revenue or any other state officer or officials of cities, towns, or counties shall upon request of the office of financial management furnish such information, aid, and assistance as may be required by the office of financial management in the performance of its population studies. The action of the office of financial management in determining the population shall be final and conclusive.

[1979 c 151 § 130; 1975 1st ex.s. c 278 § 25; 1965 c 8 § 43.62.040. Prior: 1957 c 175 § 4; 1951 c 96 § 3.]

Notes:

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.62.050 Student enrollment forecasts--Report.

The office of financial management shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges, and universities. A current report of such forecasts shall be submitted to the standing committees on ways and means of the house and the senate on or before the fifteenth day of November of each even-numbered year.

[1979 c 151 § 131; 1977 c 75 § 62; 1975 1st ex.s. c 293 § 2; 1965 c 8 § 43.62.050. Prior: 1959 c 171 § 1; 1957 c 229 § 1.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.
Review of reported FTE students: RCW 28A.150.260.

Chapter 43.63A RCW
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

(Formerly: Department of community development)

Sections

- 43.63A.066 Child abuse and neglect prevention training for participants in head start or early childhood education assistance programs--Department's duties.
- 43.63A.067 Early childhood assistance programs, department's duties.
- 43.63A.075 Community development finance program.
- 43.63A.105 Considerations in designating local community action and community service agencies.
- 43.63A.115 Community action agency network--Delivery system for federal and state anti-poverty programs.
- 43.63A.125 Nonresidential social services facilities--Assistance to nonprofit organizations--Competitive process--Recommendations to legislature for funding.
- 43.63A.150 State census board abolished.
- 43.63A.155 Local government bond information--Publication--Rules.
- 43.63A.190 Distribution of funds for border areas.
- 43.63A.215 Accessory apartments--Development and placement--Local governments.
- 43.63A.230 Employee ownership program--Advisory panel--Reports--When employee stock ownership plans qualify.
- 43.63A.240 Senior environmental corps--Finding.
- 43.63A.245 Senior environmental corps--Definitions.
- 43.63A.247 Senior environmental corps--Created.
- 43.63A.249 Senior environmental corps--Goals.
- 43.63A.265 Senior environmental corps--Department duties--Volunteers may not displace currently employed workers.
- 43.63A.270 Senior environmental corps--Volunteer activity to be governed by agreement.
- 43.63A.275 Retired senior volunteer programs (RSVP)--Funds distribution.
- 43.63A.400 Grants to public broadcast stations.
- 43.63A.410 Grants to broadcast stations eligible for grants from corporation for public broadcasting--Formula--Annual financial statements.
- 43.63A.420 Grants to other broadcast stations--Eligibility--Amounts.
- 43.63A.460 Manufactured housing--Department duties.
- 43.63A.465 Manufactured housing--Federal standards--Enforcement.
- 43.63A.4651 Manufactured housing--Contingent expiration date--RCW 43.63A.465.
- 43.63A.470 Manufactured housing--Inspections, investigations.
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- 43.63A.480 Manufactured housing--Hearing procedures.
- 43.63A.485 Manufactured housing--Violations--Fines.
- 43.63A.490 Manufactured housing--Contingent expiration date.
- 43.63A.500 Farmworker housing construction manuals and plans.
- 43.63A.505 Agricultural employee housing--One-stop clearinghouse.
- 43.63A.510 Affordable housing--Inventory of state-owned land.

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| 43.63A.900 | Severability--1967 c 74. |
| 43.63A.901 | Severability--1984 c 125. |
| 43.63A.902 | Headings--1984 c 125. |
| 43.63A.903 | Effective date--1984 c 125. |

NOTES:

Annexations to cities or towns, annexation certificate submitted to the department of community, trade, and economic development: RCW 35.13.260.

Center for volunteerism and citizen service within department of community, trade, and economic development: RCW 43.150.040.

Community and technical college board to assist in enrollment projections: RCW 28B.50.090.

Industrial projects of state-wide significance--Appointment of ombudsmen: RCW 43.157.030.

Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter 36.93 RCW.

Occupational forecast--Agency consultation: RCW 50.38.030.

Scenic and recreational highway act, planning and design standards established by department of community, trade, and economic development: RCW 47.39.040.

RCW 43.63A.066 Child abuse and neglect prevention training for participants in head start or early childhood education assistance programs--Department's duties.

The department of community, trade, and economic development shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.200 and 28A.215.900 through 28A.215.908.

[1993 c 280 § 58; 1990 c 33 § 579; 1987 c 489 § 4.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Intent--1987 c 489: See note following RCW 28A.300.150.

RCW 43.63A.067 Early childhood assistance programs, department's duties.

See chapter 28A.215 RCW.

RCW 43.63A.075 Community development finance program.

The department shall establish a community development finance program. Pursuant to this program, the department shall, in cooperation with the local economic development council: (1) Develop expertise in federal, state, and local community and economic development programs; and (2) assist communities and businesses to secure available financing. To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to June 30, 1984.

[1999 c 108 § 1; 1993 c 280 § 59; 1985 c 466 § 53; 1984 c 125 § 6.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.63A.105 Considerations in designating local community action and community service agencies.

In designating local community action agencies or local community service agencies, the department shall give special consideration to (1) agencies previously funded under any community services or antipoverty program; (2) agencies meeting state and federal program and fiscal requirements; and (3) successors to such agencies.

[1984 c 125 § 10.]

RCW 43.63A.115 Community action agency network--Delivery system for federal and state anti-poverty programs.

(1) The community action agency network, established initially under the federal economic opportunity act of 1964 and subsequently under the federal community services block grant program of 1981, as amended, shall be a delivery system for federal and state anti-poverty programs in this state, including but not limited to the community services block grant program, the low-income energy assistance program, and the federal department of energy weatherization program.

(2) Local community action agencies comprise the community action agency network. The community action agency network shall serve low-income persons in the counties. Each community action agency and its service area shall be designated in the state federal community service block grant plan as prepared by the department of community, trade, and economic

development.

(3) Funds for anti-poverty programs may be distributed to the community action agencies by the department of community, trade, and economic development and other state agencies in consultation with the authorized representatives of community action agency networks.

[1993 c 280 § 60; 1990 c 156 § 1.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

RCW 43.63A.125 Nonresidential social services facilities--Assistance to nonprofit organizations--Competitive process--Recommendations to legislature for funding. (Expires June 30, 2007.)

(1) The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services.

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

(a) The department shall conduct a state-wide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department shall submit a prioritized list of recommended projects to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. Except for the 1999-2001 biennium, the department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the

express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

[1999 c 295 § 3; 1997 c 374 § 2.]

Notes:

Expiration date--1999 c 295: See note following RCW 43.63A.750.

Findings--1997 c 374: "The legislature finds that nonprofit organizations provide a variety of social services that serve the needs of the citizens of Washington, including many services implemented under contract with state agencies. The legislature also finds that the efficiency and quality of these services may be enhanced by the provision of safe, reliable, and sound facilities, and that, in certain cases, it may be appropriate for the state to assist in the development of these facilities." [1997 c 374 § 1.]

RCW 43.63A.150 State census board abolished.

The state census board is hereby abolished.

[1967 ex.s. c 42 § 3.]

Notes:

Effective date--1967 ex.s. c 42: See note following RCW 3.30.010.

Savings--1967 ex.s. c 42: See note following RCW 3.30.010.

Population determinations, office financial management: Chapter 43.62 RCW.

RCW 43.63A.155 Local government bond information--Publication--Rules.

The department of community, trade, and economic development shall retain the bond information it receives under RCW 39.44.210 and 39.44.230 and shall publish summaries of local government bond issues at least once a year.

The department of community, trade, and economic development shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210 and 39.44.230.

[1993 c 280 § 61; 1989 c 225 § 5; 1985 c 130 § 6.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

RCW 43.63A.190 Distribution of funds for border areas.

Funds appropriated by the legislature as supplemental resources for border areas shall be distributed by the state treasurer pursuant to the formula for distributing funds from the liquor revolving fund to border areas, and expenditure requirements for such distributions, under RCW 66.08.196.

[1995 c 159 § 5; 1984 c 125 § 11; 1981 c 269 § 2.]

Notes:

Effective date--1995 c 159: See note following RCW 66.08.190.

Legislative declaration--1981 c 269: "The legislature finds and declares that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. The legislature further finds that it is in the public interest and for the protection of the health, property, and welfare of the residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in these areas." [1981 c 269 § 1.]

RCW 43.63A.215 Accessory apartments--Development and placement--Local governments.

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020, report to the legislature on the development and placement of accessory apartments. The department shall produce a written report by December 15, 1993, which:

(a) Identifies local governments that allow the siting of accessory apartments in areas zoned for single-family residential use; and

(b) Makes recommendations to the legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use.

(2) The recommendations made under subsection (1) of this section shall not take effect before ninety days following adjournment of the 1994 regular legislative session.

(3) Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority.

(4) As used in this section, "local government" means:

(a) A city or code city with a population that exceeds twenty thousand;

(b) A county that is required to or has elected to plan under the state growth management act; and

(c) A county with a population that exceeds one hundred twenty-five thousand.

[1993 c 478 § 7.]

RCW 43.63A.230 Employee ownership program--Advisory panel--Reports--When employee stock ownership plans qualify.

(1) The department of community, trade, and economic development shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under chapter 23.78 RCW and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

(2) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering

and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of the employment security department and state institutions of higher education to promote employee ownership.

(3) The department shall report to the governor, the appropriate economic development committees of the senate and the house of representatives, and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(4) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

[1993 c 280 § 63; 1988 c 186 § 17; 1987 c 457 § 15.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective date--1988 c 186 § 17: "Section 17 of this act shall take effect June 30, 1993." [1988 c 186 § 18.]

Severability--1987 c 457: See RCW 23.78.902.

RCW 43.63A.240 Senior environmental corps--Finding.

The legislature finds that:

Enhancement and protection of the state's environment demands more resources than government funding can provide;

A critical underutilized asset to society is the knowledge, skills, abilities, and wisdom of our expanding, able senior population;

Central to the well-being and continued connection to society of Washington's senior citizens is the opportunity for them to voluntarily continue to provide meaningful contributions and to share their professional training, lifelong skills, talents, and wisdom with Washington state's citizens;

It will benefit all the citizens of the state of Washington to create a partnership between our senior citizens and the state's natural resource agencies to augment our capability to protect, enhance, and appreciate the environment.

[1992 c 63 § 1.]

Notes:

Severability--1992 c 63: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 63 § 16.]

RCW 43.63A.245 Senior environmental corps--Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.63A.240 through 43.63A.270.

"Agency" means one of the agencies or organizations participating in the activities of the senior environmental corps.

"Coordinator" means the person designated by the director of community, trade, and economic development to administer the activities of the senior environmental corps.

"Corps" means the senior environmental corps.

"Department" means the department of community, trade, and economic development.

"Director" means the director of community, trade, and economic development or the director's authorized representative.

"Representative" means the person who is responsible for the activities of the senior environmental corps in his or her agency.

"Senior" means any person who is fifty-five years of age or over.

"Volunteer" means a person who is willing to work without expectation of salary or financial reward, and who chooses where he or she provides services and the type of services he or she provides.

[1999 c 151 § 1201; 1993 c 280 § 64; 1992 c 63 § 2.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.247 Senior environmental corps--Created.

The senior environmental corps is created within the department of community, trade, and economic development. The departments of agriculture, community, trade, and economic development, employment security, ecology, fish and wildlife, health, and natural resources, the parks and recreation commission, and the *Puget Sound water quality authority shall participate in the administration and implementation of the corps and shall appoint representatives to the council.

[1994 c 264 § 25; 1993 c 280 § 65; 1992 c 63 § 3.]

Notes:

***Reviser's note:** The Puget Sound water quality authority and its powers and duties, pursuant to the Sunset Act, chapter 43.131 RCW, were terminated June 30, 1995, and repealed June 30, 1996. See 1990 c 115 §§ 11 and 12. Powers, duties, and functions of the Puget Sound water quality authority pertaining to cleanup and protection of Puget Sound transferred to the Puget Sound action team by 1996 c 138 § 11. See RCW 90.71.903.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.249 Senior environmental corps--Goals.

The goals of the corps shall be to:

Provide resources and a support structure to facilitate corps activities and accomplish goals;

Carry out professional and paraprofessional projects that focus on conservation, protection, rehabilitation, and enhancement of the state's natural, environmental, and recreational resources and that otherwise would not be implemented because of limited financial resources;

Provide meaningful opportunities for senior volunteers to continue to utilize their professional training, lifelong skills, abilities, experience, and wisdom through participation in corps projects;

Assist agencies in carrying out statutory assignments with limited funding resources;

Enhance community understanding of environmental issues through educational outreach; and

Enhance the state's ability to provide needed public services in both urban and rural settings.

[1992 c 63 § 4.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.265 Senior environmental corps--Department duties--Volunteers may not displace currently employed workers.

(1) Contingent upon available funding, the department shall:

Provide a coordinator and staff support to the council as needed;

Provide support to the agencies for recruitment of volunteers;

Develop a budget and allocate available funds with the advice of the council;

Develop a written volunteer agreement;

Collect and maintain project and volunteer records;

Provide reports to the legislature and the council as requested;

Provide agency project managers and volunteers with orientation to the corps program and training in the use of volunteers;

Act as a liaison with and provide information to other states and jurisdictions on the corps program and program activities;

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

[1992 c 63 § 6.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.270 Senior environmental corps--Volunteer activity to be governed by agreement.

All volunteer activity must be performed under the terms of a written master agreement approved by the council and the attorney general. As a minimum, the volunteer agreement must include a description of the work that the volunteer is to perform, including the standards of performance required, any expenses or other benefits to which the volunteer is to be entitled, such as mileage, lodging, state industrial coverage, uniforms, or other clothing or supplies, training or other support to be provided to the volunteer by the agency, the duration of the agreement, and the terms under which the agreement may be canceled.

[1992 c 63 § 7.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.275 Retired senior volunteer programs (RSVP)--Funds distribution.

(1) Each biennium the department of community, trade, and economic development shall distribute such funds as are appropriated for retired senior volunteer programs (RSVP) as follows:

(a) At least sixty-five percent of the moneys may be distributed according to formulae and criteria to be determined by the department of community, trade, and economic development in consultation with the RSVP directors association.

(b) Up to twenty percent of the moneys may be distributed by competitive grant process to develop RSVP projects in counties not presently being served, or to expand existing RSVP services into counties not presently served.

(c) Ten percent of the moneys may be used by the department of community, trade, and economic development for administration, monitoring of the grants, and providing technical assistance to the RSVP projects.

(d) Up to five percent of the moneys may be used to support projects that will benefit RSVPs state-wide.

(2) Grants under subsection (1) of this section shall give priority to programs in the areas of education, tutoring, English as a second language, combating of and education on drug abuse, housing and homeless, and respite care, and shall be distributed in accordance with the following:

(a) None of the grant moneys may be used to displace any paid employee in the area

being served.

(b) Grants shall be made for programs that focus on:

(i) Developing new roles for senior volunteers in nonprofit and public organizations with special emphasis on areas targeted in section 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of the local senior population and shall respect their life experiences;

(ii) Increasing the expertise of volunteer managers and RSVP managers in the areas of communication, recruitment, motivation, and retention of today's over-sixty population;

(iii) Increasing the number of senior citizens recruited, referred, and placed with nonprofit and public organizations; and

(iv) Providing volunteer support such as: Mileage to and from the volunteer assignment, recognition, and volunteer insurance.

[1993 c 280 § 67; 1992 c 65 § 2.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1992 c 65: "The legislature finds that there is a growing number of citizens in the state over the age of sixty who have much to offer their fellow citizens and communities through volunteer service. The legislature further finds that public programs for education, at-risk youth, adult literacy, and combating drug abuse have benefited from and are still in need of the assistance of skilled retired senior volunteer programs volunteers. In addition the legislature further finds that public programs for developmentally disabled, environmental protection, corrections, crime prevention, mental health, long-term and respite care, and housing and homeless, among others, are also in need of volunteer assistance from the retired senior volunteer program.

Therefore, the legislature intends to encourage the increased involvement of senior volunteers by providing funding throughout Washington to promote the development and enhancement of such programs." [1992 c 65 § 1.]

RCW 43.63A.400 Grants to public broadcast stations.

The department of community, trade, and economic development shall distribute grants to eligible public radio and television broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with programming, operations, and capital needs.

[1993 c 280 § 72; 1987 c 308 § 2.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Legislative findings--1987 c 308: "The legislature finds that public broadcasting creates a cultural and educational environment that is important to the citizens of the state. The legislature also finds that it is in the public interest to provide state support to bring cultural, educational, and public affairs broadcasting services to the citizens of the state." [1987 c 308 § 1.]

RCW 43.63A.410 Grants to broadcast stations eligible for grants from corporation for public broadcasting--Formula--Annual financial statements.

(1) Eligibility for grants under this section shall be limited to broadcast stations which are:

(a) Licensed to Washington state organizations, nonprofit corporations, or other entities under section 73.621 of the regulations of the federal communications commission; and

(b) Qualified to receive community service grants from the federally chartered

corporation for public broadcasting. Eligibility shall be established as of February 28th of each year.

(2) The formula in this subsection shall be used to compute the amount of each eligible station's grant under this section.

(a) Appropriations under this section shall be divided into a radio fund, which shall be twenty-five percent of the total appropriation under this section, and a television fund, which shall be seventy-five percent of the total appropriation under this section. Each of the two funds shall be divided into a base grant pool, which shall be fifty percent of the fund, and an incentive grant pool, which shall be the remaining fifty percent of the fund.

(b) Each eligible participating public radio station shall receive an equal share of the radio base grant pool, plus a share of the radio incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating radio stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(c) Each eligible participating public television station shall receive an equal share of the television base grant pool, plus a share of the television incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating television stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(3) Annual financial reports to the corporation for public broadcasting by eligible stations shall also be submitted by the stations to the department of community, trade, and economic development.

[1993 c 280 § 73; 1987 c 308 § 3.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Legislative findings--1987 c 308: See note following RCW 43.63A.400.

RCW 43.63A.420 Grants to other broadcast stations--Eligibility--Amounts.

(1) Eligibility for grants under this section shall be limited to broadcast stations that:

(a) Have a noncommercial educational license granted by the federal communications commission;

(b) Are not eligible under RCW 43.63A.410;

(c) Have a permanent employee who is assigned operational management responsibility for the station and who is not compensated with moneys granted under this section;

(d) Meet the operating schedule requirements of the station's federal broadcast license;

(e) Have facilities and equipment that allow for program origination and production;

(f) Have a daily broadcast schedule devoted primarily to serving the educational, informational, and cultural needs of the community within its primary service area. The programming shall be intended for a general audience and not designed to further a particular religious philosophy or political organization;

(g) Originate a locally produced program service designed to serve the community;

(h) Maintain financial records in accordance with generally accepted accounting

principles; and

(i) Complete an eligibility criteria statement and annual financial survey pursuant to rules adopted by the *department of community development.

(2)(a) A grant of up to ten thousand dollars per year may be made under this section to those eligible stations operating at least twelve hours per day, three hundred sixty-five days each year, with transmitting facilities developed to the maximum combination of effective radiated power and antenna height possible under the station's federal communications commission license.

(b) A grant of up to eight thousand dollars per year may be made under this section to those eligible stations operating at least twelve hours per day, three hundred sixty-five days each year, with transmitting facilities not fully developed under federal communications commission rules.

(c) A grant of up to five thousand dollars per year may be made under this section to those eligible stations operating less than twelve hours per day, three hundred sixty-five days each year, with transmitting facilities developed to the maximum combination of effective radiated power and antenna height possible under the station's federal communications commission license.

(d) A grant of up to one thousand five hundred dollars per year may be made under this section to those eligible stations not meeting the requirements of (a), (b), or (c) of this subsection.

(3) Funding received under this section is specifically for the support of public broadcast operations and facilities improvements which benefit the general community. No funds received under this section may be used for any other purposes by licensees of eligible stations.

(4) Any portion of the appropriation not expended under this section shall be transferred for expenditure under RCW 43.63A.410.

[1987 c 308 § 4.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of community development and the department of trade and economic development were transferred to the department of community, trade, and economic development by 1993 c 280, effective July 1, 1994.

Legislative findings--1987 c 308: See note following RCW 43.63A.400.

RCW 43.63A.460 Manufactured housing--Department duties.

Beginning on July 1, 1991, the department of community, trade, and economic development shall be responsible for performing all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department of community, trade, and economic development may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any

interagency agreements which are necessary for the efficient provision of services.

The department of labor and industries shall transfer all records, files, books, and documents necessary for the department of community, trade, and economic development to assume these new functions.

The directors of community, trade, and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that chapter 176, Laws of 1990 is implemented on June 7, 1990.

[1993 c 280 § 76; 1990 c 176 § 2.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Transfer of duties from the department of labor and industries: RCW 43.22.495.

RCW 43.63A.465 Manufactured housing--Federal standards--Enforcement. (*Contingent expiration date.*)

The director of the department of community, trade, and economic development shall enforce manufactured housing safety and construction standards adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government, state agencies, or private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) regarding the state administrative agency program.

[1995 c 399 § 74; 1993 c 124 § 1.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.4651 Manufactured housing--Contingent expiration date--RCW 43.63A.465.

The 1995 amendments to RCW 43.63A.465 shall expire and be of no force and effect on January 1 in any year following the failure of the United States department of housing and urban development to reimburse the state for the duties described in chapter 124, Laws of 1993.

[1995 c 399 § 219.]

RCW 43.63A.470 Manufactured housing--Inspections, investigations. (*Contingent expiration date.*)

(1) The director or the director's authorized representative shall conduct such inspections and investigations as may be necessary to implement or enforce manufactured housing rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.

(2) For the purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge shall:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which manufactured homes are manufactured, stored, or held for sale; and

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Each inspection shall be commenced and completed with reasonable promptness.

(3) For the purpose of carrying out the provisions of this chapter, the director or the director's authorized representative is authorized:

(a) To require, by general or special orders, any factory, warehouse, or establishment in which manufactured homes are manufactured, to file, in such form as prescribed, reports or answers in writing to specific questions relating to any function of the department under this chapter. Such reports and answers shall be made under oath or otherwise, and shall be filed with the department within such reasonable time periods as prescribed by the department; and

(b) To hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records, as the director or such officer or employee deems advisable.

(4) In carrying out the inspections authorized by this section the director shall establish by rule, under chapter 34.05 RCW, and impose on manufactured home manufacturers, distributors, and dealers such reasonable fees as may be necessary to offset the expenses incurred by the director in conducting the inspections, provided these fees are set in accordance with guidelines established by the United States secretary of housing and urban development.

[1993 c 124 § 5.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.475 Manufactured housing--Rules. (*Contingent expiration date.*)

The department shall adopt all rules under chapter 34.05 RCW necessary to implement chapter 124, Laws of 1993, giving due consideration to standards and regulations adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured housing construction and safety standards.

[1993 c 124 § 2.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.480 Manufactured housing--Hearing procedures. (*Contingent expiration*

date.)

The department shall adopt appropriate hearing procedures under chapter 34.05 RCW for the holding of formal and informal presentation of views, giving due consideration to hearing procedures adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

[1993 c 124 § 3.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.485 Manufactured housing--Violations--Fines. (*Contingent expiration date.*)

(1) A person who violates any of the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) applicable to RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 or any rules adopted under RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 is liable to the state of Washington for a civil penalty of not to exceed one thousand dollars for each such violation. Each violation of the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) applicable to RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 or any rules adopted under RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480, shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.

(2) An individual or a director, officer, or agent of a corporation who knowingly and willfully violates any of the provisions of RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 or any rules adopted under RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480, in a manner that threatens the health or safety of any purchaser, shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(3) Any legal fees, court costs, expert witness fees, and staff costs expended by the state in successfully pursuing violators of RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 shall be reimbursed in full by the violators.

[1993 c 124 § 4.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.490 Manufactured housing--Contingent expiration date.

RCW 43.63A.465 through 43.63A.490 shall expire and be of no force and effect on January 1 in any year following the failure of the United States department of housing and urban development to reimburse the state for the duties described in RCW 43.63A.465 through

43.63A.490.

[1993 c 124 § 6.]

RCW 43.63A.500 Farmworker housing construction manuals and plans.

The department shall develop, and make available to the public, model or prototype construction plans and manuals for several types of farmworker housing, including but not limited to seasonal housing for individuals and families, campgrounds, and recreational vehicle parks. Any person or organization intending to construct farmworker housing may adopt one or more of these models as the plan for the proposed housing.

[1990 c 253 § 5.]

Notes:

Legislative finding and purpose--1990 c 253: See note following RCW 43.70.340.

RCW 43.63A.505 Agricultural employee housing--One-stop clearinghouse.

The department shall establish and administer a "one-stop clearinghouse" to coordinate state assistance for growers and nonprofit organizations in developing housing for agricultural employees. Growers, housing authorities, and nonprofit organizations shall have direct access to the one-stop clearinghouse. The department one-stop clearinghouse shall provide assistance on planning and design, building codes, temporary worker housing regulations, financing options, and management to growers and nonprofit organizations interested in farmworker construction. The department one-stop clearinghouse shall also provide educational materials and services to local government authorities on Washington state law concerning farmworker housing.

[1999 c 164 § 202.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:
See notes following RCW 43.160.010.

RCW 43.63A.510 Affordable housing--Inventory of state-owned land.

(1) The department shall work with the departments of natural resources, transportation, social and health services, corrections, and general administration to identify and catalog under-utilized, state-owned land and property suitable for the development of affordable housing for very low-income, low-income or moderate-income households. The departments of natural resources, transportation, social and health services, corrections, and general administration shall provide an inventory of real property that is owned or administered by each agency and is available for lease or sale. The inventories shall be provided to the department by November 1, 1993, with inventory revisions provided each November 1 thereafter.

(2) Upon written request, the department shall provide a copy of the inventory of state-owned and publicly owned lands and buildings to parties interested in developing the sites for affordable housing.

(3) As used in this section:

(a) "Affordable housing" means residential housing that is rented or owned by a person who qualifies as a very low-income, low-income, or moderate-income household or who is from a special needs population, and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(b) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, adjusted for household size, for the county where the affordable housing is located.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is more than fifty percent but is at or below eighty percent of the median income where the affordable housing is located.

(d) "Moderate-income household" means a single person, family, or unrelated persons living together whose income is more than eighty percent but is at or below one hundred fifteen percent of the median income where the affordable housing is located.

[1993 c 461 § 2; 1990 c 253 § 6.]

Notes:

Finding--1993 c 461: "(1) The legislature finds that:

(a) The lack of affordable housing for very low-income, low-income, or moderate-income households and special needs populations is intensified by the rising cost of land and construction; and

(b) There are publicly owned land and buildings which may be suitable to be marketed, sold, leased, or exchanged for the development of affordable housing.

(2) The legislature declares that the purpose of this act is to:

(a) Provide for an analysis of the inventory of state-owned lands and buildings prepared by the departments of natural resources, transportation, corrections, and general administration;

(b) Identify other publicly owned land and buildings that may be suitable for the development of affordable housing for very-low income, low-income, or moderate-income households and special needs populations;

(c) Provide a central location of inventories of state and publicly owned land and buildings that may be suitable to be marketed, sold, leased, or exchanged for the development of affordable housing; and

(d) Encourage an effective use of publicly owned surplus and underutilized land and buildings suitable for the development of affordable housing for very low-income, low-income, or moderate-income households and special needs populations." [1993 c 461 § 1.]

Legislative finding and purpose--1990 c 253: See note following RCW 43.70.340.

RCW 43.63A.550 Growth management--Inventorying and collecting data.

(1) The department shall assist in the process of inventorying and collecting data on public and private land for the acquisition of data describing land uses, demographics, infrastructure, critical areas, transportation corridors physical features, housing, and other information useful in managing growth throughout the state. For this purpose the department shall contract with the department of information services and shall form an advisory group consisting of representatives from state, local, and federal agencies, colleges and universities, and private firms with expertise in land planning, and geographic information systems.

(2) The department shall establish a sequence for acquiring data, giving priority to rapidly growing areas. The data shall be retained in a manner to facilitate its use in preparing maps, aggregating with data from multiple jurisdictions, and comparing changes over time. Data shall further be retained in a manner which permits its access via computer.

(3) The department shall work with other state agencies, local governments, and private organizations that are inventorying public and private lands to ensure close coordination and to ensure that duplication of efforts does not occur.

[1998 c 245 § 71; 1990 1st ex.s. c 17 § 21.]

Notes:

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 43.63A.610 Emergency mortgage assistance--Guidelines.

Emergency mortgage assistance shall be provided under the following general guidelines:

(1) Loans provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loan payments shall be made directly to the mortgage lender.

(5) Loans shall be granted on a first-come, first-served basis.

(6) Repayment of loans provided under the program shall be made to eligible local organizations, and must not take more than twenty years. Funds repaid to the program shall be used as grants or loans under the provisions of RCW *43.63A.600 through 43.63A.640.

[1994 c 114 § 2; 1991 c 315 § 24.]

NOTES:

***Reviser's note:** RCW 43.63A.600 was repealed by 1995 c 226 § 35, effective June 30, 2001.

Effective date--1994 c 114: "This act shall take effect July 1, 1994." [1994 c 114 § 6.]

Intent--1991 c 315: See note following RCW 28B.50.030.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.620 Emergency rental assistance--Guidelines.

Emergency rental assistance shall be provided under the following general guidelines:

(1) Rental assistance provided under the program may be in the form of loans or grants and shall not exceed an amount equal to twenty-four months of rental payments.

(2) Rental assistance shall be made to applicants who meet specific income guidelines established by the department.

(3) Rental payments shall be made directly to the landlord.

(4) Rental assistance shall be granted on a first-come, first-served basis.

[1994 c 114 § 3; 1991 c 315 § 25.]

NOTES:

Effective date--1994 c 114: See note following RCW 43.63A.610.

Intent--1991 c 315: See note following RCW 28B.50.030.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.630 Emergency mortgage and rental assistance program--Eligibility.

To be eligible for assistance under the program, an applicant must:

- (1) Be unable to keep mortgage or rental payments current, due to a loss of employment, and shall be at significant risk of eviction;
- (2) Have his or her permanent residence located in an eligible community;
- (3) If requesting emergency mortgage assistance, be the owner of an equitable interest in the permanent residence and intend to reside in the home being financed;
- (4) Be actively seeking new employment or be enrolled in a training program approved by the director; and
- (5) Submit an application for assistance to an organization eligible to receive funds under *RCW 43.63A.600.

[1994 c 114 § 4; 1991 c 315 § 26.]

NOTES:

***Reviser's note:** RCW 43.63A.600 was repealed by 1995 c 226 § 35, effective June 30, 2001.

Effective date--1994 c 114: See note following RCW 43.63A.610.

Intent--1991 c 315: See note following RCW 28B.50.030.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.640 Emergency mortgage and rental assistance program--Duties--Interest rate, assignment, eligibility.

The department shall carry out the following duties:

- (1) Administer the program;
- (2) Identify organizations eligible to receive funds to implement the program;
- (3) Develop and adopt the necessary rules and procedures for implementation of the program and for dispersal of program funds to eligible organizations;
- (4) Establish the interest rate for repayment of loans at two percent below the market rate;
- (5) Work with lending institutions and social service providers in the eligible communities to assure that all eligible persons are informed about the program;
- (6) Utilize federal and state programs that complement or facilitate carrying out the program;
- (7) Ensure that local eligible organizations that dissolve or become ineligible assign their program funds, rights to loan repayments, and loan security instruments, to the government of the county in which the local organization is located. If the county government accepts the program assets described in this subsection, it shall act as a local eligible organization under the provisions of RCW *43.63A.600 through 43.63A.640. If the county government declines to participate, the program assets shall revert to the department.

[1994 c 114 § 5; 1991 c 315 § 27.]

NOTES:

***Reviser's note:** RCW 43.63A.600 was repealed by 1995 c 226 § 35, effective June 30, 2001.

Effective date--1994 c 114: See note following RCW 43.63A.610.

Intent--1991 c 315: See note following RCW 28B.50.030.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.645 Emergency housing programs--Rules.

The department shall, by rule, establish program standards, eligibility standards, eligibility criteria, and administrative rules for emergency housing programs and specify other benefits that may arise in consultation with providers.

[1999 c 267 § 5.]

Notes:

Findings--Intent--Severability--1999 c 267: See notes following RCW 43.20A.790.

RCW 43.63A.650 Housing--Department's responsibilities.

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing.

(2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter

or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

[1999 c 267 § 3; 1993 c 478 § 13.]

Notes:

Findings--Intent--Severability--1999 c 267: See notes following RCW 43.20A.790.

RCW 43.63A.655 Homelessness--Data collection and analyses.

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement a system for the ongoing collection and analysis of data about the extent and nature of homelessness in Washington state, giving emphasis to information about extent and nature of homelessness in Washington state families with children. The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

(2) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

[1999 c 267 § 4.]

Notes:

Findings--Intent--Severability--1999 c 267: See notes following RCW 43.20A.790.

RCW 43.63A.660 Housing--Technical assistance and information, affordable housing.

The department shall provide technical assistance and information to state agencies and local governments to assist in the identification and removal of regulatory barriers to the development and placement of affordable housing. In providing assistance the department may:

(1) Analyze the costs and benefits of state legislation, rules, and administrative actions and their impact on the development and placement of affordable housing;

(2) Analyze the costs and benefits of local legislation, rules, and administrative actions and their impact on the development and placement of affordable housing;

(3) Assist state agencies and local governments in determining the impact of existing and anticipated actions, legislation, and rules on the development and placement of affordable housing;

(4) Investigate techniques and opportunities for reducing the life-cycle housing costs through regulatory reform;

(5) Develop model standards and ordinances designed to reduce regulatory barriers to affordable housing and assisting in their adoption and use at the state and local government level;

(6) Provide technical assistance and information to state agencies and local governments for implementation of legislative and administrative reform programs to remove barriers to affordable housing;

(7) Prepare state regulatory barrier removal strategies;

(8) Provide staffing to the affordable housing advisory board created in RCW 43.185B.020; and

(9) Perform other activities as the director deems necessary to assist the state, local governments, and the housing industry in meeting the affordable housing needs of the state.

[1993 c 478 § 14.]

RCW 43.63A.670 Home-matching program--Finding, purpose.

(1) The legislature finds that:

(a) The trend toward smaller household sizes will continue into the foreseeable future;

(b) Many of these households are in housing units that contain more bedrooms than occupants;

(c) There are older homeowners on relatively low, fixed income who are experiencing difficulties maintaining their homes; and

(d) There are single parents, recently widowed persons, people in the midst of divorce or separation, and handicapped that are faced with displacement due to the high cost of housing.

(2) The legislature declares that the purpose of RCW 43.63A.680 is to develop a pilot program designed to:

(a) Provide home-matching services that can enable people to continue living in their homes while promoting continuity of home ownership and community stability; and

(b) Counter the problem of displacement among people on relatively low, fixed incomes by linking people offering living space with people seeking housing.

[1993 c 478 § 18.]

RCW 43.63A.680 Home-matching program--Pilot programs.

(1) The department may develop and administer a home-matching program for the purpose of providing grants and technical assistance to eligible organizations to operate local home-matching programs. For purposes of this section, "eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund, chapter 43.185 RCW.

(2) The department may select up to five eligible organizations for the purpose of implementing a local home-matching program. The local home-matching programs are designed to facilitate: (a) Intergenerational homesharing involving older homeowners sharing homes with younger persons; (b) homesharing arrangements that involve an exchange of services such as cooking, housework, gardening, or babysitting for room and board or some financial consideration such as rent; and (c) the more efficient use of available housing.

(3) In selecting local pilot programs under this section, the department shall consider:

(a) The eligible organization's ability, stability, and resources to implement the local home-matching program;

(b) The eligible organization's efforts to coordinate other support services needed by the individual or family participating in the local home-matching program; and

(c) Other factors the department deems appropriate.

(4) The eligible organizations shall establish criteria for participation in the local home-matching program. The eligible organization shall make a determination of eligibility regarding the individuals' or families' participation in the local home-matching program. The determination shall include, but is not limited to a verification of the individual's or family's history of making rent payments in a consistent and timely manner.

[1993 c 478 § 19.]

RCW 43.63A.690 Minority and women-owned business enterprises--Linked deposit program.

(1) The department shall provide technical assistance and loan packaging services that enable minority and women-owned business enterprises to obtain financing under the linked deposit program created under RCW 43.86A.060.

(2) The department shall, in consultation with the state treasurer, monitor the performance of loans made to minority and women-owned business enterprises under RCW 43.86A.060.

[1993 c 512 § 31.]

NOTES:

Sunset Act application: See note following RCW 43.86A.060.

Finding--Intent--1993 c 512: See note following RCW 43.86A.060.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.63A.715 Rural enterprise zones--Establishment--Applications--Authority of zones.

The legislature recognizes the unique difficulties encountered by communities in rural distressed areas wishing to promote business development, increase employment opportunities, and provide a high quality of life for its citizens. In response the legislature authorizes the establishment of rural enterprise zones that will allow the targeting of state services and resources in the form of business, industry recruitment, regulatory relief, and infrastructure development. It is the intent of the legislature to provide the critical level of resources and services to businesses and entities located in these rural enterprise zones that they will be the catalyst for economic prosperity and diversity throughout rural distressed areas in Washington.

(1) The department in cooperation with the department of revenue and other state agencies shall approve applications submitted by local governments in rural distressed areas. The application shall be in the form and manner and contain the necessary information designated by the department. The application shall:

(a) Be submitted on behalf of the local government by the chief elected official or, if none, by the governing body of the local government;

(b) Outline the purpose for the economic development enterprise zone and the process in which the application was developed;

(c) Demonstrate the level of government and community support for the enterprise zone;

(d) Outline the manner in which the enterprise zone will be governed and report its activities to the local government and the department; and

(e) Designate the geographic area in which the rural enterprise zone will exist.

(2) Rural enterprise zones are authorized to:

(a) Hire a director or designate an individual to oversee operations;

(b) Seek federal, state, and local government support in its efforts to target, develop, and attract viable businesses;

(c) Work with the office of business assistance and recruitment for rural distressed areas in the pursuit of its economic development activities;

(d) Provide a local one-stop shop for businesses intending to locate, retain, expand, or start their businesses within its zone; and

(e) Provide comprehensive permitting, zoning, and regulatory assistance to businesses or entities within the zone.

(3) Rural enterprise zones are authorized to receive the services and funding resources as provided under the rural area marketing plan and other resources assisting rural distressed areas.

(4) Rural enterprise zones may be established in conjunction with a foreign trade zone.

[1997 c 366 § 9.]

Notes:

Intent--Goals--Severability--Captions and part headings not law--1997 c 366: See notes following RCW 82.14.370.

RCW 43.63A.720 Prostitution prevention and intervention services--Grant program.

There is established in the department of community, trade, and economic development a grant program to enhance funding for prostitution prevention and intervention services. Activities that can be funded through this grant program shall provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocational training, that:

(1) Comprehensively address the problems of persons who are prostitutes; and

(2) Enhance the ability of persons to leave or avoid prostitution.

[1995 c 353 § 7.]

RCW 43.63A.725 Prostitution prevention and intervention grants--Eligibility.

(1) Applications for funding under this chapter must:

(a) Meet the criteria in RCW 43.63A.720; and

(b) Contain evidence of active participation of the community and its commitment to providing effective prevention and intervention services for prostitutes through the participation of local governments, tribal governments, networks under chapter 70.190 RCW, human service and health organizations, and treatment entities and through meaningful involvement of others, including citizen groups.

(2) Local governments, networks under chapter 70.190 RCW, nonprofit community groups, and nonprofit treatment providers including organizations that provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants established under RCW 43.63A.720.

[1995 c 353 § 8.]

RCW 43.63A.730 Prostitution prevention and intervention grants--Applications, contents.

At a minimum, grant applications must include the following:

- (1) The proposed geographic service area;
- (2) A description of the extent and effect of the needs for prostitution prevention and intervention within the relevant geographic area;
- (3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;
- (4) An explanation of what organizations were involved in the development of the proposal; and
- (5) The methods that will be employed to measure the success of the program.

[1995 c 353 § 9.]

RCW 43.63A.735 Prostitution prevention and intervention grants--Award and use.

(1) Subject to funds appropriated by the legislature, including funds in the prostitution prevention and intervention account, the department of community, trade, and economic development shall make awards under the grant program established by RCW 43.63A.720.

(2) Awards shall be made competitively based on the purposes of and criteria in RCW 43.63A.720 through 43.63A.730.

(3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding of a program or activity under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

(4) The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the grant program established under RCW 43.63A.720 and expend the same or any income from these sources according to the terms of the gifts, grants, or endowments.

(5) The department of community, trade, and economic development may expend up to

five percent of the funds appropriated for the grant program for administrative costs and grant supervision.

[1995 c 353 § 10.]

RCW 43.63A.740 Prostitution prevention and intervention account.

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under RCW 9.68A.105 and 9A.88.120 shall be deposited into the account. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services under RCW 43.63A.720.

[1995 c 353 § 11.]

RCW 43.63A.750 Performing arts, art museums, cultural facilities--Competitive grant program for nonprofit organizations. (Expires June 30, 2007.)

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a state-wide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under

this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

[1999 c 295 § 1.]

Notes:

Expiration date--1999 c 295: "Section 1 of this act, RCW 27.34.330, and 43.63A.125 shall expire June 30, 2007." [1999 c 295 § 4.]

RCW 43.63A.900 Severability--1967 c 74.

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[1967 c 74 § 16.]

RCW 43.63A.901 Severability--1984 c 125.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1984 c 125 § 23.]

RCW 43.63A.902 Headings--1984 c 125.

Headings as used in this act constitute no part of the law.

[1984 c 125 § 24.]

RCW 43.63A.903 Effective date--1984 c 125.

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1984.

[1984 c 125 § 25.]

MOBILE AND MANUFACTURED HOME INSTALLATION

Sections

| | |
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| 43.63B.170 | Penalty. |
| 43.63B.800 | Rule adoption--Enforcement. |
| 43.63B.900 | Severability--1994 c 284. |
| 43.63B.901 | Effective date--1994 c 284. |

RCW 43.63B.005 Purpose.

The purpose of this chapter is to ensure that all mobile and manufactured homes are installed by a certified manufactured home installer in accordance with the state installation code, chapter 296-150B WAC, in order to provide greater protections to consumers and make the warranty requirement of *RCW 46.70.134 easier to achieve.

[1994 c 284 § 14.]

Notes:

***Reviser's note:** The reference in 1994 c 284 § 14 to "section 2 of this act" was erroneous. Section 10 of that act, codified as RCW 46.70.134, was apparently intended.

Dispute mediation: RCW 46.70.136.

RCW 43.63B.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Authorized representative" means an employee of a state agency, city, or county acting on behalf of the department.

(2) "Certified manufactured home installer" means a person who is in the business of installing mobile or manufactured homes and who has been issued a certificate by the department as provided in this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Director" means the director of community, trade, and economic development.

(5) "Manufactured home" means a single-family dwelling built in accordance with the department of housing and urban development manufactured home construction and safety standards act, which is a national, preemptive building code.

(6) "Mobile or manufactured home installation" means all on-site work necessary for the installation of a manufactured home, including:

(a) Construction of the foundation system;

(b) Installation of the support piers and earthquake resistant bracing system;

(c) Required connection to foundation system and support piers;

(d) Skirting;

(e) Connections to the on-site water and sewer systems that are necessary for the normal operation of the home; and

(f) Extension of the pressure relief valve for the water heater.

(7) "Manufactured home standards" means the manufactured home construction and safety standards as promulgated by the United States department of housing and urban development (HUD).

(8) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD manufactured home construction and safety standards act.

(9) "Training course" means the education program administered by the department, or the education course administered by an approved educational provider, as a prerequisite to taking the examination for certification.

(10) "Approved educational provider" means an organization approved by the department to provide education and training of manufactured home installers and local inspectors.

[1998 c 124 § 6; 1994 c 284 § 15.]

RCW 43.63B.020 Installer certification--Application--Training.

A person desiring to be issued a certificate of manufactured home installation as provided in this chapter shall make application to the department, in such a form as required by the department.

Upon receipt of the application and evidence required in this chapter, the director shall review the information and make a determination as to whether the applicant is eligible to take the training course and examination for the certificate of manufactured home installation. An applicant must furnish written evidence of six months of experience under the direct supervision of a certified manufactured home installer, or other equivalent experience, in order to be eligible

to take the training course and examination. The director shall establish reasonable rules for the training course and examinations to be given to applicants for certificates of manufactured home installation. Upon determining that the applicant is eligible to take the training course and examination, the director shall notify the applicant, indicating the time and place for taking the training course and examination.

The requirement that an applicant must be under the direct supervision of a certified manufactured home installer for six months only applies to applications made on or after July 1, 1996. For applications made before July 1, 1996, the department shall require evidence of experience to satisfy this requirement.

The director may allow other persons to take the training course and examination on manufactured home installation, without certification.

[1994 c 284 § 17.]

RCW 43.63B.030 Installer certification--Training course--Examination.

The department shall prepare a written training course and examination to be administered to applicants for manufactured home installer certification. The examination shall be constructed to determine whether the applicant:

- (1) Possesses general knowledge of the technical information and practical procedures that are necessary for manufactured home installation;
- (2) Is familiar with the federal and state codes and administrative rules pertaining to manufactured homes; and
- (3) Is familiar with the local government regulations as related to manufactured home installations.

The department shall certify the results of the examination and shall notify the applicant in writing whether the applicant has passed or failed the examination. An applicant who failed the examination may retake the training course and examination. The director may not limit the number of times that a person may take the training course and examination.

[1994 c 284 § 18.]

RCW 43.63B.035 Installer certification--Alternative to department training course--Rules.

The department shall adopt rules to establish and administer a process of approving educational providers as an alternative to the department training course for installers and local inspectors.

[1998 c 124 § 7.]

RCW 43.63B.040 Installer certification--Issuance of certificate--Renewal--Suspension of license or certificate for noncompliance with support order.

(1) The department shall issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and in all other respects meets the qualifications. The certificate shall bear the date of issuance, a certification identification number, and is renewable every three years upon application and completion of a continuing education program as determined by the department. A renewal fee shall be assessed for each certificate. If a person fails to renew a certificate by the renewal date, the person must retake the examination and pay the examination fee.

(2) The certificate of manufactured home installation provided for in this chapter grants the holder the right to engage in manufactured home installation throughout the state, without any other installer certification.

(3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

[1997 c 58 § 874; 1994 c 284 § 19.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 43.63B.050 Installer certification--Revocation.

(1) The department may revoke a certificate of manufactured home installation upon the following grounds:

- (a) The certificate was obtained through error or fraud;
- (b) The holder of the certificate is judged to be incompetent as a result of multiple infractions of the state installation code, WAC 296-150B-200 through 296-150B-255; or
- (c) The holder has violated a provision of this chapter or a rule adopted to implement this chapter.

(2) Before a certificate of manufactured home installation is revoked, the holder must be given written notice of the department's intention to revoke the certificate, sent by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.05 RCW.

[1994 c 284 § 21.]

RCW 43.63B.060 Local government installation application and permit requirements.

Any local government mobile or manufactured home installation application and permit shall state either the name and registration number of the contractor or licensed manufactured home dealer or the certification identification number of the certified manufactured home installer supervising such installation. A local government may not issue final approval for the installation of a manufactured home unless the certified installer or the installer's agent has posted at the set-up site the manufactured home installer's certification number and has identified the work being performed on the manufactured home installation on a form prescribed by the department.

[1998 c 124 § 8; 1994 c 284 § 20.]

RCW 43.63B.070 Fees--Certification program.

The department shall charge reasonable fees to cover the costs to administer the certification program which shall include but not be limited to the issuance, renewal, and reinstatement of all certificates, training courses, and examinations required under this chapter. All fees collected under this chapter shall be deposited in the manufactured home installation training account created in RCW 43.63B.080 and used only for the purposes specified in this chapter.

The fees shall be limited to covering the direct cost of issuing the certificates, administering the examinations, and administering and enforcing this chapter. The costs shall include only essential travel, per diem, and administrative support costs.

[1994 c 284 § 22.]

RCW 43.63B.080 Manufactured home installation training account.

The manufactured home installation training account is created in the state treasury. All receipts collected under this chapter and any legislative appropriations for manufactured home installation training shall be deposited into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used for the purposes of this chapter. Unexpended and unencumbered moneys that remain in the account at the end of the fiscal year do not revert to the state general fund but remain in the account, separately accounted for, as a contingency reserve.

[1994 c 284 § 23.]

RCW 43.63B.090 Certified installer required on-site--Infraction--Exceptions.

After July 1, 1995, a mobile or manufactured home may not be installed without a certified manufactured home installer providing on-site supervision whenever installation work is being performed. The certified manufactured home installer is responsible for the reading,

understanding, and following [of] the manufacturer's installation instructions and performance of noncertified workers engaged in the installation of the home. There shall be at least one certified manufactured home installer on the installation site whenever installation work is being performed.

A manufactured home installer certification shall not be required for:

- (1) Site preparation;
- (2) Sewer and water connections outside of the building site;
- (3) Specialty trades that are responsible for constructing accessory structures such as garages, carports, and decks;
- (4) Pouring concrete into forms;
- (5) Painting and dry wall finishing;
- (6) Carpet installation;
- (7) Specialty work performed within the scope of their license by licensed plumbers or electricians. This provision does not waive or lessen any state regulations related to licensing or permits required for electricians or plumbers;
- (8) A mobile or manufactured home owner performing installation work on their own home; and
- (9) A manufacturer's mobile home installation crew installing a mobile or manufactured home sold by the manufacturer except for the on-site supervisor.

Violation of this section is an infraction.

[1994 c 284 § 16.]

RCW 43.63B.100 Certified installer required on-site--Infraction--Notice.

An authorized representative of the department may issue a notice of infraction if the person supervising the manufactured home installation work fails to produce evidence of having a certificate issued by the department in accordance with this chapter. A notice of infraction issued under this chapter shall be personally served on or sent by certified mail to the person named in the notice by the authorized representative.

[1994 c 284 § 25.]

RCW 43.63B.110 Violations--Investigations--Inspections.

An authorized representative may investigate alleged or apparent violations of this chapter. Upon presentation of credentials, an authorized representative, including a local government building official, may inspect sites at which manufactured home installation work is undertaken to determine whether such work is being done under the supervision of a certified manufactured home installer. Upon request of the authorized representative, a person performing manufactured home installation work shall identify the person holding the certificate issued by the department in accordance with this chapter.

[1994 c 284 § 24.]

RCW 43.63B.120 Violations--Separate infraction for each day, each worksite.

Each day in which a person engages in the installation of manufactured homes in violation of this chapter is a separate infraction. Each worksite at which a person engages in the trade of manufactured home installation in violation of this chapter is a separate infraction.

[1994 c 284 § 27.]

RCW 43.63B.130 Violation--Use of uncertified installer.

It is a violation of this chapter for any contractor, manufactured home dealer, manufacturer, or home dealer's or manufacturer's agent to engage any person to install a manufactured home who is not certified in accordance with this chapter.

[1994 c 284 § 28.]

RCW 43.63B.140 Notice of infraction.

(1) The department shall prescribe the form of the notice of infraction issued under this chapter.

(2) The notice of infraction shall include the following:

(a) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that the infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of a monetary penalty that has been established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at a hearing to contest the determination, the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the person may subpoena witnesses including the authorized representative who issued and served the notice of the infraction;

(g) A statement, that the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(h) A statement that refusal to sign the infraction as directed in (g) of this subsection is a misdemeanor; and

(i) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

[1994 c 284 § 26.]

RCW 43.63B.150 Infractions adjudicated under administrative procedure act.

All violations designated as an infraction shall be adjudicated in accordance with the administrative procedure act, chapter 34.05 RCW.

[1994 c 284 § 29.]

RCW 43.63B.160 Notice as determination.

Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction.

[1994 c 284 § 30.]

RCW 43.63B.170 Penalty.

(1) A person found to have committed an infraction under this chapter shall be assessed a monetary penalty of one thousand dollars.

(2) The administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) Monetary penalties collected under this chapter shall be remitted as provided in chapter 3.62 RCW.

[1994 c 284 § 31.]

RCW 43.63B.800 Rule adoption--Enforcement.

The director may adopt rules in accordance with chapter 34.05 RCW, make specific decisions, orders, and rulings, include demands and findings within the decisions, orders, and rulings, and take other necessary action for the implementation and enforcement of duties under this chapter.

[1994 c 284 § 32.]

RCW 43.63B.900 Severability--1994 c 284.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1994 c 284 § 34.]

RCW 43.63B.901 Effective date--1994 c 284.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994].

[1994 c 284 § 35.]

Chapter 43.70 RCW
DEPARTMENT OF HEALTH

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NOTES:

Health, board of: Chapter 43.20 RCW.

Immunization program, departmental participation: RCW 28A.210.060 through 28A.210.170.

Interagency agreement on fetal alcohol exposure programs: RCW 70.96A.510.

Pesticide advisory board, departmental representation: RCW 17.21.230.

Registration of adult family home providers and resident managers: Chapter 18.48 RCW.

Visual and auditory screening of pupils, data transferred to secretary: RCW 28A.210.030.

RCW 43.70.005 Intent.

The legislature finds and declares that it is of importance to the people of Washington state to live in a healthy environment and to expect a minimum standard of quality in health care. The legislature further finds that the social and economic vitality of the state depend[s] on a healthy and productive population. The legislature further declares where it is a duty of the state to assure a healthy environment and minimum standards of quality in health care facilities and among health care professionals, the ultimate responsibility for a healthy society lies with the citizens themselves.

For these reasons, the legislature recognizes the need for a strong, clear focus on health issues in state government and among state health agencies to give expression to the needs of individual citizens and local communities as they seek to preserve the public health. It is the intent of the legislature to form such focus by creating a single department in state government with the primary responsibilities for the preservation of public health, monitoring health care costs, the maintenance of minimal standards for quality in health care delivery, and the general oversight and planning for all the state's activities as they relate to the health of its citizenry.

Further, it is the intent of the legislature to improve illness and injury prevention and health promotion, and restore the confidence of the citizenry in the expenditure of public funds on health activities, and to ensure that this new health agency delivers quality health services in an efficient, effective, and economical manner that is faithful and responsive to policies established by the legislature.

[1989 1st ex.s. c 9 § 101.]

RCW 43.70.010 Definitions.

As used in this chapter, unless the context indicates otherwise:

(1) "Assessment" means the regular collection, analysis, and sharing of information about health conditions, risks, and resources in a community. Assessment activities identify trends in illness, injury, and death and the factors that may cause these events. They also identify environmental risk factors, community concerns, community health resources, and the use of health services. Assessment includes gathering statistical data as well as conducting epidemiologic and other investigations and evaluations of health emergencies and specific ongoing health problems;

(2) "Board" means the state board of health;

(3) "Department" means the department of health;

(4) "Policy development" means the establishment of social norms, organizational guidelines, operational procedures, rules, ordinances, or statutes that promote health or prevent injury, illness, or death; and

(5) "Secretary" means the secretary of health.

[1995 c 269 § 2201; 1994 sp.s. c 7 § 206; 1989 1st ex.s. c 9 § 102.]

NOTES:

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.020 Department created.

(1) There is hereby created a department of state government to be known as the department of health. The department shall be vested with all powers and duties transferred to it by chapter 9, Laws of 1989 1st ex. sess. and such other powers and duties as may be authorized by law. The main administrative office of the department shall be located in the city of Olympia. The secretary may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the department, and if consistent with the principles set forth in subsection (2) of this section.

(2) The department of health shall be organized consistent with the goals of providing state government with a focus in health and serving the people of this state. The legislature recognizes that the secretary needs sufficient organizational flexibility to carry out the department's various duties. To the extent practical, the secretary shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the department;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public;

(c) Maximum span of control without jeopardizing adequate supervision;

(d) A substate or regional organizational structure for the department's health service delivery programs and activities that encourages joint working agreements with local health departments and that is consistent between programs;

(e) Decentralized authority and responsibility, with clear accountability;

(f) A single point of access for persons receiving like services from the department which would limit the number of referrals between divisions.

(3) The department shall provide leadership and coordination in identifying and resolving threats to the public health by:

(a) Working with local health departments and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Developing intervention strategies;

(c) Providing expert advice to the executive and legislative branches of state government;

(d) Providing active and fair enforcement of rules;

(e) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing health preservation measures;

(f) Providing information to the public; and

(g) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the department shall ensure an opportunity for consultation, review, and comment by the department's clients before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the secretary may create such administrative divisions, offices, bureaus, and programs within the department as the secretary deems necessary. The secretary shall have complete charge of and supervisory powers over the department, except where the secretary's authority is specifically limited by law.

(6) The secretary shall appoint such personnel as are necessary to carry out the duties of the department in accordance with chapter 41.06 RCW.

(7) The secretary shall appoint the state health officer and such deputy secretaries, assistant secretaries, and other administrative positions as deemed necessary consistent with the principles set forth in subsection (2) of this section. All persons who administer the necessary divisions, offices, bureaus, and programs, and five additional employees shall be exempt from the provisions of chapter 41.06 RCW. The officers and employees appointed under this subsection shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the state civil service law.

(8) The secretary shall administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

[1992 c 198 § 8; 1989 1st ex.s. c 9 § 103.]

Notes:

Severability--Effective date--1992 c 198: See RCW 70.190.910 and 70.190.920.

RCW 43.70.030 Secretary of health.

The executive head and appointing authority of the department shall be the secretary of health. The secretary shall be appointed by, and serve at the pleasure of, the governor in accordance with RCW 43.17.020. The secretary shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

[1989 1st ex.s. c 9 § 104.]

RCW 43.70.040 Secretary's powers--Rule-making authority.

In addition to any other powers granted the secretary, the secretary may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.: PROVIDED, That for rules adopted after July 23, 1995, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.;

(5) Enter into contracts on behalf of the department to carry out the purposes of chapter 9, Laws of 1989 1st ex. sess.;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of chapter 9, Laws of 1989 1st ex. sess.; or

(7) Solicit and accept gifts, grants, bequests, devises, or other funds from public and private sources.

[2001 c 80 § 2; 1995 c 403 § 105; 1989 1st ex.s. c 9 § 106.]

NOTES:

Findings--Intent--2001 c 80: "(1) The legislature finds that developing, creating, and maintaining partnerships between the public and private sectors can enhance and augment current public health services. The legislature further finds that the department of health should have the ability to establish such partnerships, and seek out and accept gifts, grants, and other funding to advance worthy public health goals and programs.

(2) It is the intent of the legislature that gifts and other funds received by the department of health under the authority granted by RCW 43.70.040 may be used to expand or enhance program operations so long as program standards established by the department are maintained, but may not supplant or replace funds for federal, state, county, or city-supported programs." [2001 c 80 § 1.]

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.70.045 Warren Featherstone Reid Award for Excellence in Health Care.

There is created an award to honor and recognize cost-effective and quality health care services. This award shall be known as the "Warren Featherstone Reid Award for Excellence in

Health Care."

[1994 c 7 § 2.]

Notes:

Finding--1994 c 7: "The legislature recognizes the critical importance of ensuring that all Washington residents have access to quality and affordable health care. The legislature further recognizes that substantial improvements can be made in health care delivery when providers, including health care facilities, are encouraged to continuously strive for excellence in quality management practices, value, and consumer satisfaction. The legislature finds that when centers of quality are highlighted and honored publicly they become examples for other health care providers to emulate, thereby further promoting the implementation of improved health care delivery processes." [1994 c 7 § 1.]

RCW 43.70.047 Warren Featherstone Reid Award for Excellence in Health Care.

The governor, in conjunction with the secretary of health, shall identify and honor health care providers and facilities in Washington state who exhibit exceptional quality and value in the delivery of health services. The award shall be given annually consistent with the availability of qualified nominees. The secretary may appoint an advisory committee to assist in the selection of nominees, if necessary.

[1994 c 7 § 3.]

RCW 43.70.050 Collection, utilization, and accessibility of health-related data.

(1) The legislature intends that the department, board, and *council promote and assess the quality, cost, and accessibility of health care throughout the state as their roles are specified in chapter 9, Laws of 1989 1st ex. sess. in accordance with the provisions of this chapter. In furtherance of this goal, the secretary shall create an ongoing program of data collection, storage, assessability, and review. The legislature does not intend that the department conduct or contract for the conduct of basic research activity. The secretary may request appropriations for studies according to this section from the legislature, the federal government, or private sources.

(2) All state agencies which collect or have access to population-based, health-related data are directed to allow the secretary access to such data. This includes, but is not limited to, data on needed health services, facilities, and personnel; future health issues; emerging bioethical issues; health promotion; recommendations from state and national organizations and associations; and programmatic and statutory changes needed to address emerging health needs. Private entities, such as insurance companies, health maintenance organizations, and private purchasers are also encouraged to give the secretary access to such data in their possession. The secretary's access to and use of all data shall be in accordance with state and federal confidentiality laws and ethical guidelines. Such data in any form where the patient or provider of health care can be identified shall not be disclosed, subject to disclosure according to chapter 42.17 RCW, discoverable or admissible in judicial or administrative proceedings. Such data can be used in proceedings in which the use of the data is clearly relevant and necessary and both the department and the patient or provider are parties.

(3) The department shall serve as the clearinghouse for information concerning innovations in the delivery of health care services, the enhancement of competition in the health care marketplace, and federal and state information affecting health care costs.

(4) The secretary shall review any data collected, pursuant to this chapter, to:

(a) Identify high-priority health issues that require study or evaluation. Such issues may include, but are not limited to:

(i) Identification of variations of health practice which indicate a lack of consensus of appropriateness;

(ii) Evaluation of outcomes of health care interventions to assess their benefit to the people of the state;

(iii) Evaluation of specific population groups to identify needed changes in health practices and services;

(iv) Evaluation of the risks and benefits of various incentives aimed at individuals and providers for both preventing illnesses and improving health services;

(v) Identification and evaluation of bioethical issues affecting the people of the state; and

(vi) Other such objectives as may be appropriate;

(b) Further identify a list of high-priority health study issues for consideration by the board or *council, within their authority, for inclusion in the state health report required by RCW 43.20.050. The list shall specify the objectives of each study, a study timeline, the specific improvements in the health status of the citizens expected as a result of the study, and the estimated cost of the study; and

(c) Provide background for the state health report required by RCW 43.20.050.

(5) Any data, research, or findings may also be made available to the general public, including health professions, health associations, the governor, professional boards and regulatory agencies and any person or group who has allowed the secretary access to data.

(6) The secretary may charge a fee to persons requesting copies of any data, research, or findings. The fee shall be no more than necessary to cover the cost to the department of providing the copy.

[1989 1st ex.s. c 9 § 107.]

Notes:

***Reviser's note:** RCW 70.170.030, which created the health care access and cost control council, was repealed by 1995 c 269 § 2204, effective July 1, 1995.

RCW 43.70.052 Hospital discharge data--Financial reports--Data retrieval--American Indian health data.

(1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the department shall continue to require hospitals to submit hospital financial and patient discharge information, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by

the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of this section. Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) The department shall, in consultation and collaboration with the federally recognized tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system. The department rules regarding confidentiality shall apply to safeguard the information from inappropriate use or release.

(5) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

[1995 c 267 § 1.]

Notes:

Captions not law--1995 c 267: "Captions as used in this act constitute no part of the law." [1995 c 267 § 16.]

Severability--1995 c 267: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 267 § 17.]

Effective dates--1995 c 267: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995, except sections 8 through 11 of this act which shall take effect immediately [May 8, 1995]." [1995 c 267 § 18.]

RCW 43.70.054 Health care data standards--Submittal of standards to legislature.

(1) To promote the public interest consistent with chapter 267, Laws of 1995, the department of health, in cooperation with the information services board established under RCW 43.105.032, shall develop health care data standards to be used by, and developed in collaboration with, consumers, purchasers, health carriers, providers, and state government as

consistent with the intent of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, to promote the delivery of quality health services that improve health outcomes for state residents. The data standards shall include content, coding, confidentiality, and transmission standards for all health care data elements necessary to support the intent of this section, and to improve administrative efficiency and reduce cost. Purchasers, as allowed by federal law, health carriers, health facilities and providers as defined in chapter 48.43 RCW, and state government shall utilize the data standards. The information and data elements shall be reported as the department of health directs by rule in accordance with data standards developed under this section.

(2) The health care data collected, maintained, and studied by the department under this section or any other entity: (a) Shall include a method of associating all information on health care costs and services with discrete cases; (b) shall not contain any means of determining the personal identity of any enrollee, provider, or facility; (c) shall only be available for retrieval in original or processed form to public and private requesters; (d) shall be available within a reasonable period of time after the date of request; and (e) shall give strong consideration to data standards that achieve national uniformity.

(3) The cost of retrieving data for state officials and agencies shall be funded through state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) All persons subject to this section shall comply with departmental requirements established by rule in the acquisition of data, however, the department shall adopt no rule or effect no policy implementing the provisions of this section without an act of law.

(5) The department shall submit developed health care data standards to the appropriate committees of the legislature by December 31, 1995.

[1997 c 274 § 2; 1995 c 267 § 2.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.70.060 Duties of department--Promotion of health care cost-effectiveness.

It is the intent of the legislature to promote appropriate use of health care resources to maximize access to adequate health care services. The legislature understands that the rapidly increasing costs of health care are limiting access to care. To promote health care cost-effectiveness, the department shall:

- (1) Implement the certificate of need program;
- (2) Monitor and evaluate health care costs;
- (3) Evaluate health services and the utilization of services for outcome and effectiveness;

and

- (4) Recommend strategies to encourage adequate and cost-effective services and

discourage ineffective services.

[1989 1st ex.s. c 9 § 108.]

RCW 43.70.064 Health care quality--Findings and intent--Requirements for conducting study under RCW 43.70.066.

The legislature finds that it is difficult for consumers of health care services to determine the quality of health care prior to purchase or utilization of medical care. The legislature also finds that accountability is a key component in promoting quality assurance and quality improvement throughout the health care delivery system, including public programs. Quality assurance and improvement standards are necessary to promote the public interest, contribute to cost efficiencies, and improve the ability of consumers to ascertain quality health care purchases.

The legislature intends to have consumers, health carriers, health care providers and facilities, and public agencies participate in the development of quality assurance and improvement standards that can be used to develop a uniform quality assurance program for use by all public and private health plans, providers, and facilities. To that end, in conducting the study required under RCW 43.70.066, the department of health shall:

(1) Consider the needs of consumers, employers, health care providers and facilities, and public and private health plans;

(2) Take full advantage of existing national standards of quality assurance to extend to middle-income populations the protections required for state management of health programs for low-income populations;

(3) Consider the appropriate minimum level of quality assurance standards that should be disclosed to consumers and employers by health care providers and facilities, and public and private health plans; and

(4) Consider standards that permit health care providers and facilities to share responsibility for participation in a uniform quality assurance program.

[1995 c 267 § 3.]

Notes:

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.70.066 Study--Uniform quality assurance and improvement program--Reports to legislature--Limitation on rule making.

(1) The department of health shall study the feasibility of a uniform quality assurance and improvement program for use by all public and private health plans and health care providers and facilities. In this study, the department shall consult with:

(a) Public and private purchasers of health care services;

(b) Health carriers;

(c) Health care providers and facilities; and

(d) Consumers of health services.

(2) In conducting the study, the department shall propose standards that meet the needs of affected persons and organizations, whether public or private, without creation of differing levels of quality assurance. All consumers of health services should be afforded the same level of quality assurance.

(3) At a minimum, the study shall include but not be limited to the following program components and indicators appropriate for consumer disclosure:

- (a) Health care provider training, credentialing, and licensure standards;
- (b) Health care facility credentialing and recredentialing;
- (c) Staff ratios in health care facilities;
- (d) Annual mortality and morbidity rates of cases based on a defined set of procedures performed or diagnoses treated in health care facilities, adjusted to fairly consider variable factors such as patient demographics and case severity;
- (e) The average total cost and average length of hospital stay for a defined set of procedures and diagnoses;
- (f) The total number of the defined set of procedures, by specialty, performed by each physician at a health care facility within the previous twelve months;
- (g) Utilization performance profiles by provider, both primary care and specialty care, that have been adjusted to fairly consider variable factors such as patient demographics and severity of case;
- (h) Health plan fiscal performance standards;
- (i) Health care provider and facility recordkeeping and reporting standards;
- (j) Health care utilization management that monitors trends in health service underutilization, as well as overutilization of services;
- (k) Health monitoring that is responsive to consumer, purchaser, and public health assessment needs; and
- (l) Assessment of consumer satisfaction and disclosure of consumer survey results.

(4) In conducting the study, the department shall develop standards that permit each health care facility, provider group, or health carrier to assume responsibility for and determine the physical method of collection, storage, and assimilation of quality indicators for consumer disclosure. The study may define the forms, frequency, and posting requirements for disclosure of information.

In developing proposed standards under this subsection, the department shall identify options that would minimize provider burden and administrative cost resulting from duplicative private sector data submission requirements.

(5) The department shall submit a preliminary report to the legislature by December 31, 1995, including recommendations for initial legislation pursuant to subsection (6) of this section, and may submit supplementary reports and recommendations as completed, consistent with appropriated funds and staffing.

(6) The department shall not adopt any rule implementing the uniform quality assurance program or consumer disclosure provisions unless expressly directed to do so by an act of law.

[1998 c 245 § 72; 1997 c 274 § 3; 1995 c 267 § 4.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.70.068 Quality assurance--Interagency cooperation.

The department of health, the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities and collaboration on final recommendations for the study required under RCW 43.70.066.

[1997 c 274 § 4; 1995 c 267 § 5.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.70.070 Duties of department--Analysis of health services.

The department shall evaluate and analyze readily available data and information to determine the outcome and effectiveness of health services, utilization of services, and payment methods. This section should not be construed as allowing the department access to proprietary information.

(1) The department shall make its evaluations available to the board for use in preparation of the state health report required by RCW 43.20.050, and to consumers, purchasers, and providers of health care.

(2) The department shall use the information to:

(a) Develop guidelines which may be used by consumers, purchasers, and providers of health care to encourage necessary and cost-effective services; and

(b) Make recommendations to the governor on how state government and private purchasers may be prudent purchasers of cost-effective, adequate health services.

[1995 c 269 § 2202; 1989 1st ex.s. c 9 § 109.]

NOTES:

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 43.70.075 Identity of whistleblower protected--Remedy for retaliatory action--Definitions--Rules.

(1) The identity of a whistleblower who complains, in good faith, to the department of health about the improper quality of care by a health care provider, or in a health care facility, as defined in *RCW 43.72.010, shall remain confidential. The provisions of RCW 4.24.500 through 4.24.520, providing certain protections to persons who communicate to government agencies, shall apply to complaints filed under this section. The identity of the whistleblower shall remain

confidential unless the department determines that the complaint was not made in good faith. An employee who is a whistleblower, as defined in this section, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW.

(2)(a) "Improper quality of care" means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 or chapters 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and enforced by the department of health. Each health disciplinary authority as defined in RCW 18.130.040 may, with consultation and interdisciplinary coordination provided by the state department of health, adopt rules defining accepted standards of practice for their profession that shall further define improper quality of care. Improper quality of care shall not include good faith personnel actions related to employee performance or actions taken according to established terms and conditions of employment.

(b) "Reprisal or retaliatory action" means but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct pursuant to Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; and a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.

(c) "Whistleblower" means a consumer, employee, or health care professional who in good faith reports alleged quality of care concerns to the department of health.

(3) Nothing in this section prohibits a health care facility from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

(4) The department shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under Title 18 RCW for health professionals or health care facilities.

[1995 c 265 § 19.]

Notes:

***Reviser's note:** RCW 43.72.010 was repealed by 1995 c 265 § 27. RCW 48.43.005 was enacted by chapter 265, Laws of 1995, and includes a definition of "health care facility."

Captions not law--Effective dates--Savings--Severability--1995 c 265: See notes following RCW 70.47.015.

RCW 43.70.080 Transfer of powers and duties from the department of social and health services.

The powers and duties of the department of social and health services and the secretary of social and health services under the following statutes are hereby transferred to the department of health and the secretary of health: Chapters 16.70, 18.20, 18.46, 18.71, 18.73, 18.76, 69.30, 70.28, 70.30, *70.32, *70.33, 70.50, 70.58, 70.62, 70.83, **70.83B, 70.90, 70.98, 70.104, 70.116, 70.118, 70.119, 70.119A, 70.121, 70.127, 70.142, and 80.50 RCW. More specifically,

the following programs and services presently administered by the department of social and health services are hereby transferred to the department of health:

(1) Personal health and protection programs and related management and support services, including, but not limited to: Immunizations; tuberculosis; sexually transmitted diseases; AIDS; diabetes control; primary health care; cardiovascular risk reduction; kidney disease; regional genetic services; newborn metabolic screening; sentinel birth defects; cytogenetics; communicable disease epidemiology; and chronic disease epidemiology;

(2) Environmental health protection services and related management and support services, including, but not limited to: Radiation, including x-ray control, radioactive materials, uranium mills, low-level waste, emergency response and reactor safety, and environmental radiation protection; drinking water; toxic substances; on-site sewage; recreational water contact facilities; food services sanitation; shellfish; and general environmental health services, including schools, vectors, parks, and camps;

(3) Public health laboratory;

(4) Public health support services, including, but not limited to: Vital records; health data; local public health services support; and health education and information;

(5) Licensing and certification services including, but not limited to: Health and personal care facility survey, construction review, emergency medical services, laboratory quality assurance, and accommodations surveys; and

(6) Effective January 1, 1991, parent and child health services and related management support services, including, but not limited to: Maternal and infant health; child health; parental health; nutrition; handicapped children's services; family planning; adolescent pregnancy services; high priority infant tracking; early intervention; parenting education; prenatal regionalization; and power and duties under RCW 43.20A.635. The director of the office of financial management may recommend to the legislature a delay in this transfer, if it is determined that this time frame is not adequate.

[1989 1st ex.s. c 9 § 201.]

Notes:

Reviser's note: *(1) Chapters 70.32 and 70.33 RCW were repealed and/or recodified in their entirety pursuant to 1999 c 172.

** (2) Chapter 70.83B RCW expired June 30, 1993, pursuant to 1988 c 276 § 12.

RCW 43.70.090 Authority to administer oaths and issue subpoenas--Provisions governing subpoenas.

(1) The secretary shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the secretary together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by RCW 34.05.588(1).

(3) Subpoenas issued in the conduct of investigations required or authorized by other

statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by RCW 34.05.588(2).

[1989 1st ex.s. c 9 § 252.]

RCW 43.70.095 Civil fines.

This section governs the assessment of a civil fine against a person by the department. This section does not govern actions taken under chapter 18.130 RCW.

(1) The department shall give written notice to the person against whom it assesses a civil fine. The notice shall state the reasons for the adverse action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in an other [another] manner that shows proof of receipt.

(2) Except as otherwise provided in subsection (4) of this section, the civil fine is due and payable twenty-eight days after receipt. The department may make the date the fine is due later than twenty-eight days after receipt. When the department does so, it shall state the effective date in the written notice given the person against whom it assesses the fine.

(3) The person against whom the department assesses a civil fine has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the fine, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the person's receiving the notice of civil fine, and be served in a manner which shows proof of receipt.

(4) If the person files a timely and sufficient appeal, the department shall not implement the action until the final order has been served. The presiding or reviewing officer may permit the department to implement part or all of the action while the proceedings are pending if the appellant causes an unreasonable delay in the proceedings or for other good cause.

[1991 c 3 § 378.]

RCW 43.70.097 Enforcement in accordance with RCW 43.05.100 and 43.05.110.

Enforcement action taken after July 23, 1995, by the director or the department shall be in accordance with RCW 43.05.100 and 43.05.110.

[1995 c 403 § 626.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.70.100 Reports of violations by secretary--Duty to institute proceedings--Notice to alleged violator.

(1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the secretary reports any violation of chapter 43.20 or 43.70 RCW, or

regulations promulgated under them, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of chapter 43.20 or 43.70 RCW is reported by the secretary to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his or her views to the secretary, either orally or in writing, with regard to such contemplated proceeding.

[1989 1st ex.s. c 9 § 262.]

RCW 43.70.110 License fees--Exemption--Waiver.

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

[1993 sp.s. c 24 § 918; 1989 1st ex.s. c 9 § 263.]

Notes:

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

RCW 43.70.115 Licenses--Denial, suspension, revocation, modification.

This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department. This section does not govern actions taken under chapter 18.130 RCW.

(1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in another manner that shows proof of receipt.

(2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice.

(a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given

the licensee or agent.

(b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent.

(c) When the department has received certification pursuant to chapter 74.20A RCW from the department of social and health services that the licensee is a person who is not in compliance with a child support order or *an order from a court stating that the licensee is in noncompliance with a residential or visitation order under chapter 26.09 RCW, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee.

(3) Except for licensees suspended for noncompliance with a child support order under chapter 74.20A RCW or noncompliance with a residential or visitation order under *chapter 26.09 RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt.

(4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause.

(b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause.

[1997 c 58 § 843; 1991 c 3 § 377.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 43.70.120 Federal programs--Rules--Statutes to be construed to meet federal law.

In furtherance of the policy of this state to cooperate with the federal government in the public health programs, the department of health shall adopt such rules and regulations as may become necessary to entitle this state to participate in federal funds unless the same be expressly prohibited by law. Any section or provision of the public health laws of this state which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal funds for the various programs of public health.

[1989 1st ex.s. c 9 § 264.]

RCW 43.70.130 Powers and duties of secretary--General.

The secretary of health shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report the findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Enforce the public health laws of the state and the rules and regulations promulgated by the department or the board of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the secretary of the department of health by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county;

(5) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(6) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of health;

(7) Have the same authority as local health officers, except that the secretary shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it, or by agreement with the local health officer or local board of health;

(8) Cause to be made from time to time, personal health and sanitation inspections at state owned or contracted institutions and facilities to determine compliance with sanitary and

health care standards as adopted by the department, and require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report the findings to the governor;

(9) Review and approve plans for public water system design, engineering, operation, maintenance, financing, and emergency response, as required under state board of health rules;

(10) Take such measures as the secretary deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of health. The secretary is also authorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

(11) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department.

[1990 c 132 § 2; 1989 1st ex.s. c 9 § 251; 1985 c 213 § 2; 1979 c 141 § 46; 1967 ex.s. c 102 § 1; 1965 c 8 § 43.20.010. Prior: (i) 1909 c 208 § 2; RRS § 6004. (ii) 1921 c 7 § 59; RRS § 10817. Formerly RCW 43.20A.600 and 43.20.010.]

Notes:

Legislative findings--Severability--1990 c 132: See note following RCW 43.20.240.

Savings--Effective date--1985 c 213: See notes following RCW 43.20.050.

Severability--1967 ex.s. c 102: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 102 § 13.]

Public water systems--Complaint process: RCW 43.20.240.

RCW 43.70.140 Annual conference of health officers.

In order to receive the assistance and advice of local health officers in carrying out the secretary's duties and responsibilities, the secretary of health shall hold annually a conference of local health officers, at such place as the secretary deems convenient, for the discussion of questions pertaining to public health, sanitation, and other matters pertaining to the duties and functions of the local health departments, which shall continue in session for such time not exceeding three days as the secretary deems necessary.

The health officer of each county, district, municipality and county-city department shall attend such conference during its entire session, and receive therefor his or her actual and necessary traveling expenses, to be paid by his or her county, district, and municipality or county-city department. No claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the secretary of health attesting the attendance of the claimant.

[1989 1st ex.s. c 9 § 253; 1979 c 141 § 50; 1967 ex.s. c 102 § 10; 1965 c 8 § 43.20.060. Prior: 1915 c 75 § 1; RRS § 6005. Formerly RCW 43.20A.615 and 43.20.060.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.150 Registration of vital statistics.

The secretary of health shall have charge of the state system of registration of births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance, and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof.

[1989 1st ex.s. c 9 § 254; 1979 c 141 § 51; 1967 c 26 § 1; 1965 c 8 § 43.20.070. Prior: 1907 c 83 § 1; RRS § 6018. Formerly RCW 43.20A.620 and 43.20.070.]

Notes:

Effective date--1967 c 26: "This act shall take effect on January 1, 1968." [1967 c 26 § 12.]

Vital statistics: Chapter 70.58 RCW.

RCW 43.70.160 Duties of registrar.

The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70 RCW; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. The state registrar shall carefully examine the certificates received monthly from the local registrars, county auditors, and clerks of the court and, if any are incomplete or unsatisfactory, the state registrar shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be incorporated in or attached to and filed with the certificate. The state registrar shall furnish, arrange, bind, and make a permanent record of the certificate in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance registered.

[1989 1st ex.s. c 9 § 255; 1967 c 26 § 2; 1965 c 8 § 43.20.080. Prior: 1961 ex.s. c 5 § 2; 1951 c 106 § 1; 1915 c 180 § 9; 1907 c 83 § 17; RRS § 6034. Formerly RCW 43.20A.625 and 43.20.080.]

Notes:

Effective date--1967 c 26: See note following RCW 43.70.150.

Vital statistics: Chapter 70.58 RCW.

RCW 43.70.170 Threat to public health--Investigation, examination or sampling of articles or conditions constituting--Access--Subpoena power.

The secretary on his or her own motion or upon the complaint of any interested party, may investigate, examine, sample or inspect any article or condition constituting a threat to the public health including, but not limited to, outbreaks of communicable diseases, food poisoning,

contaminated water supplies, and all other matters injurious to the public health. When not otherwise available, the department may purchase such samples or specimens as may be necessary to determine whether or not there exists a threat to the public health. In furtherance of any such investigation, examination or inspection, the secretary or the secretary's authorized representative may examine that portion of the ledgers, books, accounts, memorandums, and other documents and other articles and things used in connection with the business of such person relating to the actions involved.

For purposes of such investigation, the secretary or the secretary's representative shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities or any other place. The secretary may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, as provided for in RCW 43.70.090 or the production of books and documents anywhere in the state.

[1989 1st ex.s. c 9 § 256; 1979 c 141 § 53; 1967 ex.s. c 102 § 3. Formerly RCW 43.20A.640 and 43.20.150.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.180 Threat to public health--Order prohibiting sale or disposition of food or other items pending investigation.

Pending the results of an investigation provided for under RCW 43.70.170, the secretary may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation. The order of the secretary shall not be effective for more than fifteen days without the commencement of a legal action as provided for under RCW 43.70.190.

[1989 1st ex.s. c 9 § 257; 1979 c 141 § 54; 1967 ex.s. c 102 § 4. Formerly RCW 43.20A.645 and 43.20.160.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.185 Inspection of property where marine species located--Prohibitions on harvest or landing--Penalties.

(1) The department may enter and inspect any property, lands, or waters, of this state in or on which any marine species are located or from which such species are harvested, whether recreationally or for sale or barter, and any land or water of this state which may cause or contribute to the pollution of areas in or on which such species are harvested or processed. The department may take any reasonably necessary samples to determine whether such species or any lot, batch, or quantity of such species is safe for human consumption.

(2) If the department determines that any species or any lot, batch, or other quantity of such species is unsafe for human consumption because consumption is likely to cause actual harm or because consumption presents a potential risk of substantial harm, the department may, by order under chapter 34.05 RCW, prohibit or restrict the commercial or recreational harvest or landing of any marine species except the recreational harvest of shellfish as defined in chapter

69.30 RCW if taken from privately owned tidelands.

(3) It is unlawful to harvest any marine species in violation of a departmental order prohibiting or restricting such harvest under this section or to possess or sell any marine species so harvested.

(4) Any person who sells any marine species taken in violation of this section is subject to the penalties provided in RCW 69.30.140 and 69.30.150. Any person who harvests or possesses marine species taken in violation of this section is guilty of a civil infraction and is subject to the penalties provided in RCW 69.30.150. Notwithstanding this section, any person who harvests, possesses, sells, offers to sell, culls, shucks, or packs shellfish is subject to the penalty provisions of chapter 69.30 RCW. Charges shall not be brought against a person under both chapter 69.30 RCW and this section in connection with this same action, incident, or event.

(5) The criminal provisions of this section are subject to enforcement by fish and wildlife officers or ex officio fish and wildlife officers as defined in RCW 77.08.010.

(6) As used in this section, marine species include all fish, invertebrate or plant species which are found during any portion of the life cycle of those species in the marine environment.

[2001 c 253 § 2; 1995 c 147 § 7.]

RCW 43.70.190 Violations--Injunctions and legal proceedings authorized.

The secretary of health or local health officer may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the department of health pursuant to said laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county. Upon the filing of any action, the court may, upon a showing of an immediate and serious danger to residents constituting an emergency, issue a temporary injunctive order ex parte.

[1990 c 133 § 3; 1989 1st ex.s. c 9 § 258; 1979 c 141 § 55; 1967 ex.s. c 102 § 5. Formerly RCW 43.20A.650 and 43.20.170.]

Notes:

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.195 Public water systems--Receivership actions brought by secretary--Plan for disposition.

(1) In any action brought by the secretary of health or by a local health officer pursuant to chapter 7.60 RCW to place a public water system in receivership, the petition shall include the names of one or more suitable candidates for receiver who have consented to assume operation of the water system. The department shall maintain a list of interested and qualified individuals, municipal entities, special purpose districts, and investor-owned water companies with experience in the provision of water service and a history of satisfactory operation of a water

system. If there is no other person willing and able to be named as receiver, the court shall appoint the county in which the water system is located as receiver. The county may designate a county agency to operate the system, or it may contract with another individual or public water system to provide management for the system. If the county is appointed as receiver, the secretary of health and the county health officer shall provide regulatory oversight for the agency or other person responsible for managing the water system.

(2) In any petition for receivership under subsection (1) of this section, the department shall recommend that the court grant to the receiver full authority to act in the best interests of the customers served by the public water system. The receiver shall assess the capability, in conjunction with the department and local government, for the system to operate in compliance with health and safety standards, and shall report to the court and the petitioning agency its recommendations for the system's future operation, including the formation of a water-sewer district or other public entity, or ownership by another existing water system capable of providing service.

(3) If a petition for receivership and verifying affidavit executed by an appropriate departmental official allege an immediate and serious danger to residents constituting an emergency, the court shall set the matter for hearing within three days and may appoint a temporary receiver ex parte upon the strength of such petition and affidavit pending a full evidentiary hearing, which shall be held within fourteen days after receipt of the petition.

(4) A bond, if any is imposed upon a receiver, shall be minimal and shall reasonably relate to the level of operating revenue generated by the system. Any receiver appointed pursuant to this section shall not be held personally liable for any good faith, reasonable effort to assume possession of, and to operate, the system in compliance with the court's orders.

(5) The court shall authorize the receiver to impose reasonable assessments on a water system's customers to recover expenditures for improvements necessary for the public health and safety.

(6) No later than twelve months after appointment of a receiver, the petitioning agency, in conjunction with the county in which the system is located, and the appropriate state and local health agencies, shall develop and present to the court a plan for the disposition of the system. The report shall include the recommendations of the receiver made pursuant to subsection (2) of this section. The report shall include all reasonable and feasible alternatives. After receiving the report, the court shall provide notice to interested parties and conduct such hearings as are necessary. The court shall then order the parties to implement one of the alternatives, or any combination thereof, for the disposition of the system. Such order shall include a date, or proposed date, for the termination of the receivership. Nothing in this section authorizes a court to require a city, town, public utility district, water-sewer district, or irrigation district to accept a system that has been in receivership unless the city, town, public utility district, water-sewer district, or irrigation district agrees to the terms and conditions outlined in the plan adopted by the court.

(7) The court shall not terminate the receivership, and order the return of the system to the owners, unless the department of health approves of such an action. The court may impose reasonable conditions upon the return of the system to the owner, including the posting of a bond

or other security, routine performance and financial audits, employment of qualified operators and other staff or contracted services, compliance with financial viability requirements, or other measures sufficient to ensure the ongoing proper operation of the system.

(8) If, as part of the ultimate disposition of the system, an eminent domain action is commenced by a public entity to acquire the system, the court shall oversee any appraisal of the system conducted under Title 7 RCW to assure that the appraised value properly reflects any reduced value because of the necessity to make improvements to the system. The court shall have the authority to approve the appraisal, and to modify it based on any information provided at an evidentiary hearing. The court's determination of the proper value of the system, based on the appraisal, shall be final, and only appealable if not supported by substantial evidence. If the appraised value is appealed, the court may order that the system's ownership be transferred upon payment of the approved appraised value.

[1999 c 153 § 57; 1994 c 292 § 3; 1990 c 133 § 4.]

Notes:

Part headings not law--1999 c 153: See note following RCW 57.04.050.

Findings--Intent--1994 c 292: See note following RCW 57.04.050.

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.70.200 Enforcement of health laws and state or local rules and regulations upon request of local health officer.

Upon the request of a local health officer, the secretary of health is hereby authorized and empowered to take legal action to enforce the public health laws and rules and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state of Washington, including a proceeding under Title 7 RCW.

[1990 c 133 § 5; 1989 1st ex.s. c 9 § 259; 1979 c 141 § 56; 1967 ex.s. c 102 § 6. Formerly RCW 43.20A.655 and 43.20.180.]

Notes:

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.210 Right of person to rely on prayer to alleviate ailments not abridged.

Nothing in chapter 43.20 or 43.70 RCW, or RCW 43.70.120 shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist, nor shall anything in chapters 43.20, 43.70 RCW, or RCW 43.70.120 be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with.

[1989 1st ex.s. c 9 § 260; 1979 c 141 § 59; 1967 ex.s. c 102 § 14. Formerly RCW 43.20A.665 and 43.20.210.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

Prayer: RCW 18.50.030, 70.127.040, 70.128.170, 71.05.070, 74.09.190.

RCW 43.70.220 Transfer of powers and duties from the department of licensing.

The powers and duties of the department of licensing and the director of licensing under the following statutes are hereby transferred to the department of health and the secretary of health: Chapters 18.06, 18.19, 18.22, 18.25, 18.29, 18.32, 18.34, 18.35, 18.36A, 18.50, 18.52, 18.52C, 18.53, 18.54, 18.55, 18.57, 18.57A, 18.59, 18.71, 18.71A, 18.74, 18.83, 18.84, 18.79, 18.89, 18.92, 18.108, 18.135, and 18.138 RCW. More specifically, the health professions regulatory programs and services presently administered by the department of licensing are hereby transferred to the department of health.

[1994 sp.s. c 9 § 727; 1989 1st ex.s. c 9 § 301.]

Notes:

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 43.70.230 Office of health consumer assistance created--Duties.

There is created in the department an office of health consumer assistance. The office shall establish a state-wide hot line and shall assist and serve as an advocate for consumers who are complainants or witnesses in a licensing or disciplinary proceeding.

[1989 1st ex.s. c 9 § 303.]

RCW 43.70.235 Health care disputes--Certifying independent review organizations--Application--Restrictions--Rules.

(1) The department shall adopt rules providing a procedure and criteria for certifying one or more organizations to perform independent review of health care disputes described in RCW 48.43.535.

(2) The rules must require that the organization ensure:

(a) The confidentiality of medical records transmitted to an independent review organization for use in independent reviews;

(b) That each health care provider, physician, or contract specialist making review determinations for an independent review organization is qualified. Physicians, other health care providers, and, if applicable, contract specialists must be appropriately licensed, certified, or registered as required in Washington state or in at least one state with standards substantially comparable to Washington state. Reviewers may be drawn from nationally recognized centers of excellence, academic institutions, and recognized leading practice sites. Expert medical

reviewers should have substantial, recent clinical experience dealing with the same or similar health conditions. The organization must have demonstrated expertise and a history of reviewing health care in terms of medical necessity, appropriateness, and the application of other health plan coverage provisions;

(c) That any physician, health care provider, or contract specialist making a review determination in a specific review is free of any actual or potential conflict of interest or bias. Neither the expert reviewer, nor the independent review organization, nor any officer, director, or management employee of the independent review organization may have any material professional, familial, or financial affiliation with any of the following: The health carrier; professional associations of carriers and providers; the provider; the provider's medical or practice group; the health facility at which the service would be provided; the developer or manufacturer of a drug or device under review; or the enrollee;

(d) The fairness of the procedures used by the independent review organization in making the determinations;

(e) That each independent review organization make its determination:

(i) Not later than the earlier of:

(A) The fifteenth day after the date the independent review organization receives the information necessary to make the determination; or

(B) The twentieth day after the date the independent review organization receives the request that the determination be made. In exceptional circumstances, when the independent review organization has not obtained information necessary to make a determination, a determination may be made by the twenty-fifth day after the date the organization received the request for the determination; and

(ii) In cases of a condition that could seriously jeopardize the enrollee's health or ability to regain maximum function, not later than the earlier of:

(A) Seventy-two hours after the date the independent review organization receives the information necessary to make the determination; or

(B) The eighth day after the date the independent review organization receives the request that the determination be made;

(f) That timely notice is provided to enrollees of the results of the independent review, including the clinical basis for the determination;

(g) That the independent review organization has a quality assurance mechanism in place that ensures the timeliness and quality of review and communication of determinations to enrollees and carriers, and the qualifications, impartiality, and freedom from conflict of interest of the organization, its staff, and expert reviewers; and

(h) That the independent review organization meets any other reasonable requirements of the department directly related to the functions the organization is to perform under this section and RCW 48.43.535.

(3) To be certified as an independent review organization under this chapter, an organization must submit to the department an application in the form required by the department. The application must include:

(a) For an applicant that is publicly held, the name of each stockholder or owner of more

than five percent of any stock or options;

(b) The name of any holder of bonds or notes of the applicant that exceed one hundred thousand dollars;

(c) The name and type of business of each corporation or other organization that the applicant controls or is affiliated with and the nature and extent of the affiliation or control;

(d) The name and a biographical sketch of each director, officer, and executive of the applicant and any entity listed under (c) of this subsection and a description of any relationship the named individual has with:

(i) A carrier;

(ii) A utilization review agent;

(iii) A nonprofit or for-profit health corporation;

(iv) A health care provider;

(v) A drug or device manufacturer; or

(vi) A group representing any of the entities described by (d)(i) through (v) of this subsection;

(e) The percentage of the applicant's revenues that are anticipated to be derived from reviews conducted under RCW 48.43.535;

(f) A description of the areas of expertise of the health care professionals and contract specialists making review determinations for the applicant; and

(g) The procedures to be used by the independent review organization in making review determinations regarding reviews conducted under RCW 48.43.535.

(4) If at any time there is a material change in the information included in the application under subsection (3) of this section, the independent review organization shall submit updated information to the department.

(5) An independent review organization may not be a subsidiary of, or in any way owned or controlled by, a carrier or a trade or professional association of health care providers or carriers.

(6) An independent review organization, and individuals acting on its behalf, are immune from suit in a civil action when performing functions under chapter 5, Laws of 2000. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence.

(7) Independent review organizations must be free from interference by state government in its functioning except as provided in subsection (8) of this section.

(8) The rules adopted under this section shall include provisions for terminating the certification of an independent review organization for failure to comply with the requirements for certification. The department may review the operation and performance of an independent review organization in response to complaints or other concerns about compliance.

(9) In adopting rules for this section, the department shall take into consideration standards for independent review organizations adopted by national accreditation organizations. The department may accept national accreditation or certification by another state as evidence that an organization satisfies some or all of the requirements for certification by the department as an independent review organization.

[2000 c 5 § 12.]

Notes:

Intent--Purpose--2000 c 5: See RCW 48.43.005.

Application--Short title--Captions not law--Construction--Severability--Application to contracts--Effective dates--2000 c 5: See notes following RCW 48.43.500.

RCW 43.70.240 Written operating agreements.

The secretary and each of the professional licensing and disciplinary boards under the administration of the department shall enter into written operating agreements on administrative procedures with input from the regulated profession and the public. The intent of these agreements is to provide a process for the department to consult each board on administrative matters and to ensure that the administration and staff functions effectively enable each board to fulfill its statutory responsibilities. The agreements shall include, but not be limited to, the following provisions:

- (1) Administrative activities supporting the board's policies, goals, and objectives;
- (2) Development and review of the agency budget as it relates to the board; and
- (3) Board related personnel issues.

The agreements shall be reviewed and revised in like manner if appropriate at the beginning of each fiscal year, and at other times upon written request by the secretary or the board.

[1998 c 245 § 73; 1989 1st ex.s. c 9 § 304.]

RCW 43.70.250 License fees for professions, occupations, and businesses.

It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program. All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

[1996 c 191 § 1; 1989 1st ex.s. c 9 § 319.]

RCW 43.70.260 Appointment of temporary additional members of boards and committees for administration and grading of examinations.

The secretary may, at the request of a board or committee established under Title 18 RCW under the administrative authority of the department of health, appoint temporary additional members for the purpose of participating as members during the administration and

grading of practical examinations for licensure, certification, or registration. The appointment shall be for the duration of the examination specified in the request. Individuals so appointed must meet the same minimum qualifications as regular members of the board or committee, including the requirement to be licensed, certified, or registered. While serving as board or committee members, persons so appointed have all the powers, duties, and immunities and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular members of the board or committee. This authority is intended to provide for more efficient, economical, and effective examinations.

[1989 1st ex.s. c 9 § 320.]

RCW 43.70.270 License moratorium for persons in the service.

Notwithstanding any provision of law to the contrary, the license of any person licensed by the secretary of health to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The secretary shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period.

[1989 1st ex.s. c 9 § 321.]

RCW 43.70.280 Procedure for issuance, renewal, or reissuance of credentials--Extension or modification of licensing, certification, or registration period authorized.

(1) The secretary, in consultation with health profession boards and commissions, shall establish by rule the administrative procedures, administrative requirements, and fees for initial issue, renewal, and reissue of a credential for professions under RCW 18.130.040, including procedures and requirements for late renewals and uniform application of late renewal penalties. Failure to renew invalidates the credential and all privileges granted by the credential. Administrative procedures and administrative requirements do not include establishing, monitoring, and enforcing qualifications for licensure, scope or standards of practice, continuing competency mechanisms, and discipline when such authority is authorized in statute to a health profession board or commission. For the purposes of this section, "in consultation with" means providing an opportunity for meaningful participation in development of rules consistent with processes set forth in RCW 34.05.310.

(2) Notwithstanding any provision of law to the contrary which provides for a licensing period for any type of license subject to this chapter including those under RCW 18.130.040, the secretary of health may, from time to time, extend or otherwise modify the duration of any licensing, certification, or registration period, whether an initial or renewal period, if the secretary determines that it would result in a more economical or efficient operation of state

government and that the public health, safety, or welfare would not be substantially adversely affected thereby. However, no license, certification, or registration may be issued or approved for a period in excess of four years, without renewal. Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of health adopted in accordance with the provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period.

[1999 c 34 § 1; 1998 c 29 § 1; 1996 c 191 § 2; 1989 1st ex.s. c 9 § 322.]

RCW 43.70.290 Funeral directors and embalmers subject to chapter 18.130 RCW.

Funeral directors and embalmers, licensed under chapter 18.39 RCW, are subject to the provisions of chapter 18.130 RCW under the administration of the department of licensing. The department of licensing shall review the statutes authorizing the regulation of funeral directors and embalmers, and recommend any changes necessary by January 1, 1990.

[1989 1st ex.s. c 9 § 323.]

RCW 43.70.300 Secretary or secretary's designee ex officio member of health professional licensure and disciplinary boards.

In order to provide liaison with the department of health, provide continuity between changes in board membership, achieve uniformity as appropriate in licensure or regulated activities under the jurisdiction of the department, and to better represent the public interest, the secretary, or a designee appointed by the secretary, shall serve as an ex officio member of every health professional licensure or disciplinary board established under Title 18 RCW under the administrative authority of the department of health. The secretary shall have no vote unless otherwise authorized by law.

[1989 1st ex.s. c 9 § 318; 1983 c 168 § 11. Formerly RCW 43.24.015.]

Notes:

Severability--1983 c 168: See RCW 18.120.910.

RCW 43.70.310 Cooperation with department of ecology.

Where feasible, the department and the state board of health shall consult with the department of ecology in order that, to the fullest extent possible, agencies concerned with the preservation of life and health and agencies concerned with protection of the environment may integrate their efforts and endorse policies in common.

[1987 c 109 § 25; 1970 ex.s. c 18 § 12. Formerly RCW 43.20A.140.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.70.320 Health professions account--Fees credited--Requirements for biennial budget request.

(1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

[1993 c 492 § 411; 1991 sp.s. c 13 § 18; 1991 c 3 § 299; 1985 c 57 § 29; 1983 c 168 § 5. Formerly RCW 43.24.072.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1983 c 168: See RCW 18.120.910.

RCW 43.70.325 Rural health access account.

The rural health access account is created in the custody of the state treasurer. The account may receive moneys through gift, grant, or donation to the state for the purposes of the account. Expenditures from the account may be used only for rural health programs including, but not limited to, those authorized in chapters 70.175 and 70.180 RCW, the health professional and loan repayment programs authorized in chapter 28B.115 RCW, and to make grants to small or rural hospitals, or rural public hospital districts, for the purpose of developing viable, integrated rural health systems. Only the secretary of health or the secretary's designee may authorize expenditures from the account. No appropriation is required for an expenditure from the account. Any residue in the account shall accumulate in the account and shall not revert to the general fund at the end of the biennium. Costs incurred by the department in administering the account shall be paid from the account.

[1992 c 120 § 1.]

RCW 43.70.327 Public health supplemental account--Annual statement.

(1) The public health supplemental account is created in the state treasury. All receipts from gifts, bequests, devises, or funds, whose use is determined to further the purpose of maintaining and improving the health of Washington residents through the public health system must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for maintaining and improving the health of Washington residents through the public health system. Expenditures from the account shall not be used to pay for or add permanent full-time equivalent staff positions.

(2) The department shall file an annual statement of the financial condition, transactions, and affairs of any program funded under this section in a form and manner prescribed by the office of financial management. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

[2001 c 80 § 3.]

NOTES:

Findings--Intent--2001 c 80: See note following RCW 43.70.040.

RCW 43.70.334 Temporary worker housing--Definition.

For the purposes of RCW 43.70.335, 43.70.337, and 43.70.340, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

[1999 c 374 § 9.]

RCW 43.70.335 Temporary worker housing operating license--Fee--Display--Suspension or revocation--Fines--Refunds--Rules--Application of department of labor and industries standards.

(1) Any person providing temporary worker housing consisting of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants, or any person providing temporary worker housing who makes the election to comply with the temporary worker building code under RCW 70.114A.081(1)(g), shall secure an annual operating license prior to occupancy and shall pay a fee according to RCW 43.70.340. The license shall be conspicuously displayed on site.

(2) Licenses issued under this chapter may be suspended or revoked upon the failure or refusal of the person providing temporary worker housing to comply with rules adopted under this section or chapter 70.114A RCW by the department. All such proceedings shall be governed by the provisions of chapter 34.05 RCW.

(3) The department may assess a civil fine in accordance with RCW 43.70.095 for failure or refusal to obtain a license prior to occupancy of temporary worker housing. The department may refund all or part of the civil fine collected once the operator obtains a valid operating license.

(4) Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and

subsequent violations within any five-year period. The department may adopt rules as necessary to assure compliance with this section.

[1999 c 374 § 10; 1998 c 37 § 5.]

RCW 43.70.337 Temporary worker housing building permit--Plans and specifications--Fees--Rules.

(1) Any person who constructs, alters, or makes an addition to temporary worker housing consisting of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants, or any person who constructs, alters, or makes an addition to temporary worker housing who elects to comply with the temporary worker building code under RCW 70.114A.081(1)(g), shall:

(a) Submit plans and specifications for the alteration, addition, or new construction of this housing prior to beginning any alteration, addition, or new construction on this housing;

(b) Apply for and obtain a temporary worker housing building permit from the department prior to construction or alteration of this housing; and

(c) Submit a plan review and permit fee to the department of health pursuant to RCW 43.70.340.

(2) The department shall adopt rules as necessary, for the application procedures for the temporary worker housing plan review and permit process.

(3) Any alteration of a manufactured structure to be used for temporary worker housing remains subject to chapter 43.22 RCW, and the rules adopted under chapter 43.22 RCW.

[1998 c 37 § 6.]

RCW 43.70.340 Temporary worker housing inspection fund--Fees on temporary worker housing operating licenses and building permits--Licenses generally.

(1) The temporary worker housing fund is established in the custody of the state treasury. The department shall deposit all funds received under subsections (2) and (3) of this section and from the legislature to administer a temporary worker housing permitting, licensing, and inspection program conducted by the department. Disbursement from the fund shall be on authorization of the secretary of health or the secretary's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) There is imposed a fee on each operating license issued by the department to every operator of temporary worker housing that is regulated by the state board of health. In establishing the fee to be paid under this subsection the department shall consider the cost of administering a license as well as enforcing applicable state board of health rules on temporary worker housing.

(3) There is imposed a fee on each temporary worker housing building permit issued by the department to every operator of temporary worker housing as required by RCW 43.70.337. The fee shall include the cost of administering a permit as well as enforcing the department's

temporary worker building code as adopted under RCW 70.114A.081.

(4) The department shall conduct a fee study for:

(a) A temporary worker housing operator's license;

(b) On-site inspections; and

(c) A plan review and building permit for new construction.

After completion of the study, the department shall adopt these fees by rule by no later than December 31, 1998.

(5) The term of the operating license and the application procedures shall be established, by rule, by the department.

[1998 c 37 § 7; 1990 c 253 § 3.]

Notes:

Legislative finding and purpose--1990 c 253: "The legislature finds that the demand for housing for migrant and seasonal farmworkers far exceeds the supply of adequate housing in the state of Washington. In addition, increasing numbers of these housing units are in deteriorated condition because they cannot be economically maintained and repaired.

The legislature further finds that the lack of a clear program for the regulation and inspection of farmworker housing has impeded the construction and renovation of housing units in this state.

It is the purpose of this act for the various agencies involved in the regulation of farmworker housing to coordinate and consolidate their activities to provide for efficient and effective monitoring of farmworker housing. It is intended that this action will provide greater responsiveness in dealing with public concerns over farmworker housing, and allow greater numbers of housing units to be built." [1990 c 253 § 1.]

RCW 43.70.400 Head injury prevention--Legislative finding.

The legislature finds that head injury is a major cause of death and disability for Washington citizens. The costs of head injury treatment and rehabilitation are extensive and resultant disabilities are long and indeterminate. These costs are often borne by public programs such as medicaid. The legislature finds further that many such injuries are preventable. The legislature intends to reduce the occurrence of head injury by educating persons whose behavior may place them at risk and by regulating certain activities.

[1990 c 270 § 2.]

RCW 43.70.410 Head injury prevention--Program, generally.

As used in RCW 43.70.400 through 43.70.440, the term "head injury" means traumatic brain injury.

A head injury prevention program is created in the department of health. The program's functions may be integrated with those of similar programs to promote comprehensive, integrated, and effective health promotion and disease prevention.

In consultation with the traffic safety commission, the department shall, directly or by contract, identify and coordinate public education efforts currently underway within state government and among private groups to prevent traumatic brain injury, including, but not limited to, bicycle safety, pedestrian safety, bicycle passenger seat safety, motorcycle safety, motor vehicle safety, and sports safety. If the department finds that programs are not available or

not in use, it may, within funds appropriated for the purpose, provide grants to promote public education efforts. Grants may be awarded only after recipients have demonstrated coordination with relevant and knowledgeable groups within their communities, including at least schools, brain injury support organizations, hospitals, physicians, traffic safety specialists, police, and the public. The department may accept grants, gifts, and donations from public or private sources to use to carry out the head injury prevention program.

The department may assess or contract for the assessment of the effectiveness of public education efforts coordinated or initiated by any agency of state government. Agencies are directed to cooperate with assessment efforts by providing access to data and program records as reasonably required. The department may seek and receive additional funds from the federal government or private sources for assessments. Assessments shall contain findings and recommendations that will improve the effectiveness of public education efforts. These findings shall be distributed among public and private groups concerned with traumatic brain injury prevention.

[1990 c 270 § 3.]

Notes:

Bicycle awareness program: RCW 43.43.390.

RCW 43.70.420 Head injury prevention--Information preparation.

The department of health, the department of licensing, and the traffic safety commission shall jointly prepare information for driver license manuals, driver education programs, and driving tests to increase driver awareness of pedestrian safety, to increase driver skills in avoiding pedestrian and motor vehicle accidents, and to determine drivers' abilities to avoid pedestrian motor vehicle accidents.

[1990 c 270 § 4.]

RCW 43.70.430 Head injury prevention--Guidelines on training and education--Training of emergency medical personnel.

The department shall prepare guidelines on relevant training and education regarding traumatic brain injury for health and education professionals, and relevant public safety and law enforcement officials. The department shall distribute such guidelines and any recommendations for training or educational requirements for health professionals or educators to the disciplinary authorities governed by chapter 18.130 RCW and to educational service districts established under chapter 28A.310 RCW. Specifically, all emergency medical personnel shall be trained in proper helmet removal.

[1990 c 270 § 6.]

RCW 43.70.440 Head injury prevention act--Short title--1990 c 270.

This act shall be known and cited as the Head Injury Prevention Act of 1990.

[1990 c 270 § 1.]

RCW 43.70.450 Senior environmental corps--Department powers and duties.

(1) The department of health shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the *council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

[1992 c 63 § 12.]

Notes:

***Reviser's note:** RCW 70.170.030, which created the health care access and cost control council, was repealed by 1995 c 269 § 2204, effective July 1, 1995.

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.70.460 Retired primary care provider liability malpractice insurance--Program authorized.

(1) The department may establish a program to purchase and maintain liability malpractice insurance for retired primary care providers who provide primary health care services at community clinics. The following conditions apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;

(b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired primary care providers providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.

(2) This section and RCW 43.70.470 shall not be interpreted to require a liability insurer

to provide coverage to a primary care provider should the insurer determine that coverage should not be offered to a physician [primary care provider] because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians [primary care providers] that provided health care services under this section and RCW 43.70.470. This protection of immunity shall not extend to any clinic or primary care provider participating in the program.

(4) The department may monitor the claims experience of retired physicians [primary care providers] covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature.

[1993 c 492 § 276; 1992 c 113 § 2.]

Notes:

Finding--1993 c 492: See note following RCW 28B.125.010.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Legislative declaration--1992 c 113: "There are a number of retired physicians who wish to provide, or are providing, health care services to low-income patients without compensation. However, the cost of obtaining malpractice insurance is a burden that is deterring them from donating their time and services in treating the health problems of the poor. The necessity of maintaining malpractice insurance for those in practice is a significant reality in today's litigious society.

A program to alleviate the onerous costs of malpractice insurance for retired physicians providing uncompensated health care services to low-income patients will encourage philanthropy and augment state resources in providing for the health care needs of those who have no access to basic health care services.

An estimated sixteen percent of the nonelderly population do not have health insurance and lack access to even basic health care services. This is especially problematic for low-income persons who are young and who are either unemployed or have entry-level jobs without health care benefits. The majority of the uninsured, however, are working adults, and some twenty-nine percent are children.

The legislature declares that this act will increase the availability of primary care to low-income persons and is in the interest of the public health and safety." [1992 c 113 § 1.]

RCW 43.70.470 Retired primary care provider liability malpractice insurance--Conditions.

The department may establish by rule the conditions of participation in the liability insurance program by retired primary care providers at clinics utilizing retired physicians [primary care providers] for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating primary care provider associated with the clinic shall hold a valid license to practice as a physician under chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a physician assistant under chapter 18.71A or 18.57A RCW, an advanced registered nurse practitioner under *chapter 18.88 RCW, a dentist under chapter 18.32 RCW, or other health professionals as may be deemed in short supply in the health personnel resource plan under chapter 28B.125 RCW. All primary care providers must be in conformity with

current requirements for licensure as a retired primary care provider, including continuing education requirements;

(2) The participating primary care provider shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses. Primary dental care shall be limited to diagnosis, oral hygiene, restoration, and extractions and shall not include orthodontia, or other specialized care and treatment;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and RCW 43.70.460;

(4) The participating primary care provider shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating primary care provider shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating primary care provider for services provided by the primary care provider, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating primary care provider authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

[1993 c 492 § 277; 1992 c 113 § 3.]

Notes:

***Reviser's note:** Chapter 18.88 RCW was repealed by 1994 sp.s. c 9 § 433, effective July 1, 1994.

Finding--1993 c 492: See note following RCW 28B.125.010.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Legislative declaration--1992 c 113: See note following RCW 43.70.460.

RCW 43.70.480 Emergency medical personnel--Futile treatment and natural death directives--Guidelines.

The department of health shall adopt guidelines and protocols for how emergency medical personnel shall respond when summoned to the site of an injury or illness for the treatment of a person who has signed a written directive or durable power of attorney requesting that he or she not receive futile emergency medical treatment.

The guidelines shall include development of a simple form that shall be used state-wide.

[2000 c 70 § 1; 1992 c 98 § 14.]

Notes:

Application--Severability--1992 c 98: See RCW 70.122.915 and 70.122.920.

RCW 43.70.500 Health care services practice indicators and risk management protocols.

The department of health shall consult with health care providers and facilities, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed, including those that have been demonstrated to be effective among persons of color. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

(1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.

(2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.

(3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.

[1993 c 492 § 410.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 43.70.510 Health care services coordinated quality improvement program--Rules.

(1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers approved pursuant to chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers, or any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether

complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.17.310(1)(hh) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (f) in any civil action, discovery and introduction into evidence of the patient's

medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by a quality improvement committee are exempt from disclosure under chapter 42.17 RCW.

(6) The department of health shall adopt rules as are necessary to implement this section.

[1995 c 267 § 7; 1993 c 492 § 417.]

Notes:

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 43.70.520 Public health services improvement plan.

(1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances:

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) Timing of increased funding for public health services linked to specific objectives for improving public health; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person

amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 258, chapter 492, Laws of 1993.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

[1993 c 492 § 467.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Additional contents: RCW 43.70.550.

RCW 43.70.525 Immunization assessment and enhancement proposals by local jurisdictions.

(1) The department, in conjunction with local health jurisdictions, shall require each local health jurisdiction to submit an immunization assessment and enhancement proposal, consistent with the standards established in the public health [services] improvement plan, to provide immunization protection to the children of the state to further reduce vaccine-preventable diseases.

(2) These plans shall include, but not be limited to:

(a) A description of the population groups in the jurisdiction that are in the greatest need of immunizations;

(b) A description of strategies to use outreach, volunteer, and other local educational resources to enhance immunization rates; and

(c) A description of the capacity required to accomplish the enhancement proposal.

(3) This section shall be implemented consistent with available funding.

(4) The secretary shall report through the public health [services] improvement plan to the health care and fiscal committees of the legislature on the status of the program and progress made toward increasing immunization rates in population groups of greatest need.

[1994 c 299 § 29.]

Notes:

Intent--Finding--Severability--Conflict with federal requirements--1994 c 299: See notes following RCW 74.12.400.

Immunization: RCW 28A.210.060.

RCW 43.70.530 Home visitor program.

The department of health, the department of social and health services, the department of community, trade, and economic development, the superintendent of public instruction, and the employment security department shall, collectively and collaboratively, develop a plan for a home health visitor program that shall have as its primary purpose the prevention of child abuse and neglect through the provision of selected educational and supportive services to high risk parents of newborns.

(1) The program shall: (a) Be community-based; (b) include early hospital-based screening to identify high risk parents of newborns; (c) provide for an effective, in-home outreach and support program for high risk parents of newborns that involves: (i) Frequent home visits, (ii) parent training on early childhood development, parenting, and the stress factors that lead to abuse and neglect, and (iii) referrals to needed social and health services; and (d) demonstrate effective coordination among current community-based programs that may also serve high risk parents and their infants, including child abuse prevention programs, first steps, second steps, the early childhood education and assistance program, the healthy kids program, child welfare services, the women, infants, and children program, the high priority infant tracking program, the birth to six program, local and state public health prevention and early intervention services, and other services as identified.

(2) The plan shall: (a) Include an estimate and a description of the high risk groups to be served; (b) detail the screening process and mechanisms to be used to identify high risk parents; (c) detail the services to be included in the in-home program; (d) describe staffing that may include the use of teams of professionals, paraprofessionals, and volunteers; (e) describe how the program will be evaluated, including the measurable outcomes to be achieved; and (f) provide an estimate of the costs to fully implement the program state-wide, and for possible consideration, a series of pilot projects with a phased-in schedule.

[1998 c 245 § 75; 1993 c 179 § 2.]

Notes:

Intent--1993 c 179: "The incidence of child abuse and neglect has reached epidemic proportions in the nation. In Washington state alone, there were sixty-two thousand five hundred reports of child abuse and neglect in 1991. That is one occurrence for every twenty-one children in this state. Research shows that most reported cases of physical abuse and neglect occurs among children under the age of five. Research also shows that child abuse and neglect can be prevented. One of the most effective strategies for preventing child abuse and neglect is to provide parents who are most at risk of abuse, with education and supportive services beginning at the time their infant is born and continuing in the home. Therefore, it is the legislature's intent to develop the home health visitor program in this state." [1993 c 179 § 1.]

Effective date--1993 c 179: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 30, 1993]." [1993 c 179 § 3.]

RCW 43.70.540 Data collection--Legislative finding and intent.

The legislature recognizes that the state patrol, the office of the administrator for the courts, the sheriffs' and police chiefs' association, the department of social and health services, the department of community, trade, and economic development, the sentencing guidelines commission, the department of corrections, and the superintendent of public instruction each have comprehensive data and analysis capabilities that have contributed greatly to our current understanding of crime and violence, and their causes.

The legislature finds, however, that a single health-oriented agency must be designated to provide consistent guidelines to all these groups regarding the way in which their data systems collect this important data. It is not the intent of the legislature by RCW 43.70.545 to transfer data collection requirements from existing agencies or to require the addition of major new data systems. It is rather the intent to make only the minimum required changes in existing data systems to increase compatibility and comparability, reduce duplication, and to increase the usefulness of data collected by these agencies in developing more accurate descriptions of violence.

[1995 c 399 § 76; 1994 sp.s. c 7 § 201.]

Notes:

Legislative finding and intent--1994 sp.s. c 7: "The legislature finds that the increasing violence in our society causes great concern for the immediate health and safety of our citizens and our social institutions. Youth violence is increasing at an alarming rate and young people between the ages of fifteen and twenty-four are at the highest risk of being perpetrators and victims of violence. Additionally, random violence, including homicide and the use of firearms, has dramatically increased over the last decade.

The legislature finds that violence is abhorrent to the aims of a free society and that it cannot be tolerated. State efforts at reducing violence must include changes in criminal penalties, reducing the unlawful use of and access to firearms, increasing educational efforts to encourage nonviolent means for resolving conflicts, and allowing communities to design their prevention efforts.

The legislature finds that the problem of violence can be addressed with many of the same approaches that public health programs have used to control other problems such as infectious disease, tobacco use, and traffic fatalities.

Addressing the problem of violence requires the concerted effort of all communities and all parts of state

and local governments. It is the immediate purpose of chapter 7, Laws of 1994 sp. sess. to: (1) Prevent acts of violence by encouraging change in social norms and individual behaviors that have been shown to increase the risk of violence; (2) reduce the rate of at-risk children and youth, as defined in *RCW 70.190.010; (3) increase the severity and certainty of punishment for youth and adults who commit violent acts; (4) reduce the severity of harm to individuals when violence occurs; (5) empower communities to focus their concerns and allow them to control the funds dedicated to empirically supported preventive efforts in their region; and (6) reduce the fiscal and social impact of violence on our society." [1994 sp.s. c 7 § 101.]

***Reviser's note:** The governor vetoed 1994 sp.s. c 7 § 302, which amended RCW 70.190.010 to define "at-risk children and youth." RCW 70.190.010 was subsequently amended by 1996 c 132 § 2, which now includes a definition for "at-risk children."

Severability--1994 sp.s. c 7: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 sp.s. c 7 § 913.]

Effective dates--Contingent expiration date--1994 sp.s. c 7: "(1) Sections 201 through 204, 302, 323, 411, 412, 417, and 418 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 6, 1994].

(2) Sections 904 through 908 of this act shall take effect July 1, 1995.

*(3) Notwithstanding other provisions of this section, if sections 901 through 909 of this act are referred to the voters at the next succeeding general election and sections 901 through 909 of this act are rejected by the voters, then the amendments by sections 510 through 512, 519, 521, 525, and 527 of this act shall expire on July 1, 1995." [1994 sp.s. c 7 § 915 (Referendum Bill No. 43, subsection (3) approved November 8, 1994).]

***Reviser's note:** Sections 901 through 909, chapter 7, Laws of 1994 sp. sess. were approved and ratified by the voters on November 8, 1994, in Referendum Bill No. 43. Therefore, the amendments to sections 510 through 512, 519, 521, 525, and 527, chapter 7, Laws of 1994 sp. sess. do not expire on July 1, 1995.

RCW 43.70.545 Data collection and reporting rules.

(1) The department of health shall develop, based on recommendations in the public health services improvement plan and in consultation with affected groups or agencies, comprehensive rules for the collection and reporting of data relating to acts of violence, at-risk behaviors, and risk and protective factors. The data collection and reporting rules shall be used by any public or private entity that is required to report data relating to these behaviors and conditions. The department may require any agency or program that is state-funded or that accepts state funds and any licensed or regulated person or professional to report these behaviors and conditions. To the extent possible the department shall require the reports to be filed through existing data systems. The department may also require reporting of attempted acts of violence and of nonphysical injuries. For the purposes of this section "acts of violence" means self-directed and interpersonal behaviors that can result in suicide, homicide, and nonfatal intentional injuries. "At-risk behaviors," "protective factors," and "risk factors" have the same meanings as provided in RCW 70.190.010. A copy of the data used by a school district to prepare and submit a report to the department shall be retained by the district and, in the copy retained by the district, identify the reported acts or behaviors by school site.

(2) The department is designated as the state-wide agency for the coordination of all information relating to violence and other intentional injuries, at-risk behaviors, and risk and protective factors.

(3) The department shall provide necessary data to the local health departments for use in

planning by or evaluation of any community network authorized under RCW 70.190.060.

(4) The department shall by rule establish requirements for local health departments to perform assessment related to at-risk behaviors and risk and protective factors and to assist community networks in policy development and in planning and other duties under chapter 7, Laws of 1994 sp. sess.

(5) The department may, consistent with its general authority and directives under RCW 43.70.540 through 43.70.560, contract with a college or university that has experience in data collection relating to the health and overall welfare of children to provide assistance to:

(a) State and local health departments in developing new sources of data to track acts of violence, at-risk behaviors, and risk and protective factors; and

(b) Local health departments to compile and effectively communicate data in their communities.

[1998 c 245 § 76; 1994 sp.s. c 7 § 202.]

Notes:

Finding--Intent--Severability--Effective dates--Contingent expiration date--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.550 Public health services improvement plan--Contents.

The public health services improvement plan developed under RCW 43.70.520 shall include:

(1) Minimum standards for state and local public health assessment, performance measurement, policy development, and assurance regarding social development to reduce at-risk behaviors and risk and protective factors. The department in the development of data collection and reporting requirements for the superintendent of public instruction, schools, and school districts shall consult with the joint select committee on education restructuring and local school districts.

(2)(a) Measurable risk factors that are empirically linked to violent criminal acts by juveniles, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence; and

(b) An evaluation of other factors to determine whether they are empirically related risk factors, such as: Out-of-home placements, poverty, single-parent households, inadequate nutrition, hunger, unemployment, lack of job skills, gang affiliation, lack of recreational or cultural opportunities, school absenteeism, court-ordered parenting plans, physical, emotional, or behavioral problems requiring special needs assistance in K-12 schools, learning disabilities, and any other possible factors.

(3) Data collection and analysis standards on at-risk behaviors and risk and protective factors for use by the local public health departments and the *state council and the local community networks to ensure consistent and interchangeable data.

(4) Recommendations regarding any state or federal statutory barriers affecting data collection or reporting.

The department shall provide an annual report to the Washington state institute for public policy on the implementation of this section.

[1994 sp.s. c 7 § 203.]

Notes:

***Reviser's note:** RCW 70.170.030, which created the health care access and cost control council, was repealed by 1995 c 269 § 2204, effective July 1, 1995.

Finding--Intent--Severability--Effective dates--Contingent expiration date--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.555 Assessment standards.

The department, in consultation with the family policy council created in chapter 70.190 RCW, shall establish, by rule, standards for local health departments and networks to use in assessment, performance measurement, policy development, and assurance regarding social development to prevent health problems caused by risk factors empirically linked to: Violent criminal acts by juveniles, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence. The standards shall be based on the standards set forth in the public health services improvement plan as required by RCW 43.70.550.

[1998 c 245 § 77; 1994 sp.s. c 7 § 204.]

Notes:

Finding--Intent--Severability--Effective dates--Contingent expiration date--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.560 Media violence--Reporting reduction efforts.

The legislature encourages the use of a state-wide voluntary, socially responsible policy to reduce the emphasis, amount, and type of violence in all public media. The department shall develop a suggested reporting format for use by the print, television, and radio media in reporting their voluntary violence reduction efforts. Each area of the public media may carry out the policy in whatever manner that area deems appropriate.

[1994 sp.s. c 7 § 205.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.570 Intent--1995 c 43.

The legislature declares its intent to implement the recommendations of the public health improvement plan by initiating a program to provide the public health system with the necessary capacity to improve the health outcomes of the population of Washington state and establishing the methodology by which improvement in the health outcomes and delivery of public health

activities will be assessed.

[1995 c 43 § 1.]

Notes:

Severability--1995 c 43: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 43 § 14.]

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

RCW 43.70.575 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.70.570 through 43.70.580.

(1) "Capacity" means actions that public health jurisdictions must do as part of ongoing daily operations to adequately protect and promote health and prevent disease, injury, and premature death. The public health improvement plan identifies capacity necessary for assessment, policy development, administration, prevention, including promotion and protection, and access and quality.

(2) "Department" means the department of health.

(3) "Local health jurisdiction" means the local health agency, either county or multicounty, operated by local government, with oversight and direction from a local board of health, that provides public health services throughout a defined geographic area.

(4) "Health outcomes" means long-term objectives that define optimal, measurable, future levels of health status, maximum acceptable levels of disease, injury, or dysfunction, or prevalence of risk factors in areas such as improving the rate of immunizations for infants and children to ninety percent and controlling and reducing the spread of tuberculosis and that are stated in the public health improvement plan.

(5) "Public health improvement plan," also known as the public health services improvement plan, means the public health services improvement plan established under RCW 43.70.520, developed by the department, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health services, and other state agencies, health services providers, and residents concerned about public health, to provide a detailed accounting of deficits in the core functions of assessment, policy development, and assurance of the current public health system, how additional public health funding would be used, and to describe the benefits expected from expanded expenditures.

(6) "Public health" means activities that society does collectively to assure the conditions in which people can be healthy. This includes organized community efforts to prevent, identify, preempt, and counter threats to the public's health.

(7) "Public health system" means the department, the state board of health, and local health jurisdictions.

[1995 c 43 § 2.]

Notes:

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

RCW 43.70.580 Public health improvement plan--Funds--Performance-based contracts--Rules--Evaluation and report.

The primary responsibility of the public health system, is to take those actions necessary to protect, promote, and improve the health of the population. In order to accomplish this, the department shall:

(1) Identify, as part of the public health improvement plan, the key health outcomes sought for the population and the capacity needed by the public health system to fulfill its responsibilities in improving health outcomes.

(2)(a) Distribute state funds that, in conjunction with local revenues, are intended to improve the capacity of the public health system. The distribution methodology shall encourage system-wide effectiveness and efficiency and provide local health jurisdictions with the flexibility both to determine governance structures and address their unique needs.

(b) Enter into with each local health jurisdiction performance-based contracts that establish clear measures of the degree to which the local health jurisdiction is attaining the capacity necessary to improve health outcomes. The contracts negotiated between the local health jurisdictions and the department of health must identify the specific measurable progress that local health jurisdictions will make toward achieving health outcomes. A community assessment conducted by the local health jurisdiction according to the public health improvement plan, which shall include the results of the comprehensive plan prepared according to RCW 70.190.130, will be used as the basis for identifying the health outcomes. The contracts shall include provisions to encourage collaboration among local health jurisdictions. State funds shall be used solely to expand and complement, but not to supplant city and county government support for public health programs.

(3) Develop criteria to assess the degree to which capacity is being achieved and ensure compliance by public health jurisdictions.

(4) Adopt rules necessary to carry out the purposes of chapter 43, Laws of 1995.

(5) Biennially, within the public health improvement plan, evaluate the effectiveness of the public health system, assess the degree to which the public health system is attaining the capacity to improve the status of the public's health, and report progress made by each local health jurisdiction toward improving health outcomes.

[1995 c 43 § 3.]

Notes:

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

RCW 43.70.590 American Indian health care delivery plan.

Consistent with funds appropriated specifically for this purpose, the department shall establish in conjunction with the area Indian health services system and providers an advisory

group comprised of Indian and non-Indian health care facilities and providers to formulate an American Indian health care delivery plan. The plan shall include:

- (1) Recommendations to providers and facilities methods for coordinating and joint venturing with the Indian health services for service delivery;
- (2) Methods to improve American Indian-specific health programming; and
- (3) Creation of co-funding recommendations and opportunities for the unmet health services programming needs of American Indians.

[1995 c 43 § 4; 1993 c 492 § 468. Formerly RCW 41.05.240.]

Notes:

Reviser's note: RCW 41.05.240 was amended and recodified as RCW 43.70.590 by 1995 c 43 without cognizance of the repeal by 1995 1st sp.s. c 6 § 9. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

Findings--Intent--1993 c 492: See notes following RCW 43.72.005.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 43.70.600 Survey regarding exposure to radio frequencies--Results.

When funds are appropriated for this purpose, the department shall conduct a survey of scientific literature regarding the possible health effects of human exposure to the radio frequency part of the electromagnetic spectrum (300Hz to 300GHz). The department may submit the survey results to the legislature, prepare a summary of that survey, and make the summary available to the public. The department may update the survey and summary periodically.

[1998 c 245 § 78; 1996 c 323 § 6.]

Notes:

Findings--1996 c 323: "The legislature finds that concerns have been raised over possible health effects from exposure to some wireless telecommunications facilities, and that exposures from these facilities should be kept as low as reasonably achievable while still allowing the operation of these networks. The legislature further finds that the department of health should serve as the state agency that follows the issues and compiles information pertaining to potential health effects from wireless telecommunications facilities." [1996 c 323 § 1.]

RCW 43.70.605 Personal wireless services--Random testing on power density analysis--Rules.

Unless this section is preempted by applicable federal statutes, the department may require that in residential zones or areas, all providers of personal wireless services, as defined in *section 1 of this act, provide random test results on power density analysis for the provider's licensed frequencies showing radio frequency levels before and after development of the personal wireless service antenna facilities, following national standards or protocols of the federal communications commission or other federal agencies. This section shall not apply to microcells as defined in RCW 80.36.375. The department may adopt rules to implement this section.

[1996 c 323 § 7.]

Notes:

***Reviser's note:** The reference to section 1 of this act is erroneous. Section 2 of the act, codified as RCW 43.21C.0384, was apparently intended.

Findings--1996 c 323: See note following RCW 43.70.600.

RCW 43.70.610 Domestic violence education program--Established--Findings.

The legislature finds that domestic violence is the leading cause of injury among women and is linked to numerous health problems, including depression, abuse of alcohol and other drugs, and suicide. Despite the frequency of medical attention, few people are diagnosed as victims of spousal abuse. The department, in consultation with the disciplinary authorities as defined in RCW 18.130.040, shall establish, within available department general funds, an ongoing domestic violence education program as an integral part of its health professions regulation. The purpose of the education program is to raise awareness and educate health care professionals regarding the identification, appropriate treatment, and appropriate referral of victims of domestic violence. The disciplinary authorities having the authority to offer continuing education may provide training in the dynamics of domestic violence. No funds from the health professions account may be utilized to fund activities under this section unless the disciplinary authority authorizes expenditures from its proportions of the account. A disciplinary authority may defray costs by authorizing a fee to be charged for participants or materials relating to any sponsored program.

[1996 c 191 § 89.]

RCW 43.70.620 List of contacts--Health care professions.

The secretary shall create and maintain a list of contacts with each of the health care professions regulated under the following chapters for the purpose of policy advice and information dissemination: RCW 18.06.080, 18.89.050, and 18.138.070 and chapters 18.135, 18.55, and 18.88A RCW.

[1999 c 151 § 402.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.70.630 Cost-reimbursement agreements for complex projects.

(1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project

for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

[2000 c 251 § 4.]

Notes:

Intent--Captions not law--Effective date--2000 c 251: See notes following RCW 43.21A.690.

RCW 43.70.640 Workplace breastfeeding policies--Infant-friendly designation.

(1) An employer may use the designation "infant-friendly" on its promotional materials if the employer has an approved workplace breastfeeding policy addressing at least the following:

(a) Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk;

(b) A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk;

(c) A convenient clean and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in the private location specified in (b) of this subsection; and

(d) A convenient hygienic refrigerator in the workplace for the mother's breast milk.

(2) Employers seeking approval of a workplace breastfeeding policy must submit the policy to the department of health. The department of health shall review and approve those policies that meet the requirements of this section. The department may directly develop and

implement the criteria for "infant-friendly" employers, or contract with a vendor for this purpose.

(3) For the purposes of this section, "employer" includes those employers defined in RCW 49.12.005 and also includes the state, state institutions, state agencies, political subdivisions of the state, and municipal corporations or quasi-municipal corporations.

[2001 c 88 § 3.]

NOTES:

Acknowledgment--Declaration--Findings--2001 c 88: "(1) The legislature acknowledges the surgeon general's summons to all sectors of society and government to help redress the low breastfeeding rates and duration in the United States, including the social and workplace factors that can make it difficult for women to breastfeed. The legislature also acknowledges the surgeon general's report on the health and economic importance of breastfeeding which concludes that:

(a) Breastfeeding is one of the most important contributors to infant health;
(b) Breastfeeding provides a range of benefits for the infant's growth, immunity, and development; and
(c) Breastfeeding improves maternal health and contributes economic benefits to the family, health care system, and workplace.

(2) The legislature declares that the achievement of optimal infant and child health, growth, and development requires protection and support for the practice of breastfeeding. The legislature finds that:

(a) The American academy of pediatrics recommends exclusive breastfeeding for the first six months of a child's life and breastfeeding with the addition of solid foods to continue for at least twelve months, and that arrangements be made to provide expressed breast milk if the mother and child must separate during the first year. Children should be breastfed or fed expressed breast milk when they show signs of need, rather than according to a set schedule or the location;

(b) Breast milk contains all the nutrients a child needs for optimal health, growth, and development, many of which can only be found in breast milk;

(c) Research in developed countries provides strong evidence that breastfeeding decreases the incidence and/or severity of diarrhea, lower respiratory tract infection, otitis media, bacteremia, bacterial meningitis, urinary tract infection, and necrotizing enterocolitis. In addition, a number of studies show a possible protective effect of breastfeeding against SIDS, Type I diabetes mellitus, Crohn's disease, lymphoma, ulcerative colitis, and allergic diseases;

(d) Studies also indicate health benefits in mothers who breastfeed. Breastfeeding is one of the few ways that mothers may be able to lower their risk of developing breast and ovarian cancer, with benefits proportional to the duration that they are able to breastfeed. In addition, the maternal hormonal changes stimulated by breastfeeding also help the uterus recover faster and minimize the amount of blood mothers lose after birth. Breastfeeding inhibits ovulation and menstrual bleeding, thereby decreasing the risk of anemia and a precipitous subsequent pregnancy. Breastfeeding women also have an earlier return to prepregnancy weight;

(e) Approximately two-thirds of women who are employed when they become pregnant return to the work force by the time their children are six months old;

(f) Employers benefit when their employees breastfeed. Breastfed infants are sick less often; therefore, maternal absenteeism from work is lower in companies with established lactation programs. In addition, employee medical costs are lower and employee productivity is higher;

(g) According to a survey of mothers in Washington, most want to breastfeed but discontinue sooner than they hope, citing lack of societal and workplace support as key factors limiting their ability to breastfeed;

(h) Many mothers fear that they are not making enough breast milk and therefore decrease or discontinue breastfeeding. Frequency of breastfeeding or expressing breast milk is the main regulator of milk supply, such that forcing mothers to go prolonged periods without breastfeeding or expressing breast milk can undermine their ability to maintain breastfeeding; and

(i) Maternal stress can physiologically inhibit a mother's ability to produce and let down milk. Mothers

report modifiable sources of stress related to breastfeeding, including lack of protection from harassment and difficulty finding time and an appropriate location to express milk while away from their babies.

(3) The legislature encourages state and local governmental agencies, and private and public sector businesses to consider the benefits of providing convenient, sanitary, safe, and private rooms for mothers to express breast milk." [2001 c 88 § 1.]

RCW 43.70.650 School sealant endorsement program--Rules--Fee--Report to the legislature.

The secretary is authorized to create a school sealant endorsement program for dental hygienists and dental assistants. The secretary of health, in consultation with the dental quality assurance commission and the dental hygiene examining committee, shall adopt rules to implement this section.

(1) A dental hygienist licensed in this state after April 19, 2001, is eligible to apply for endorsement by the department of health as a school sealant dental hygienist upon completion of the Washington state school sealant endorsement program. While otherwise authorized to act, currently licensed hygienists may still elect to apply for the endorsement.

(2) A dental assistant employed after April 19, 2001, by a dentist licensed in this state, who has worked under dental supervision for at least two hundred hours, is eligible to apply for endorsement by the department of health as a school sealant dental assistant upon completion of the Washington state school sealant endorsement program. While otherwise authorized to act, currently employed dental assistants may still elect to apply for the endorsement.

(3) The department may impose a fee for implementation of this section.

(4) The secretary shall provide a report to the legislature by December 1, 2005, evaluating the outcome of chapter 93, Laws of 2001.

[2001 c 93 § 2.]

NOTES:

Findings--Intent--2001 c 93: "The legislature finds that access to preventive and restorative oral health services by low-income children is currently restricted by complex regulatory, financial, cultural, and geographic barriers that have resulted in a large number of children suffering unnecessarily from dental disease. The legislature also finds that very early exposure to oral health care can reverse this disease in many cases, thereby significantly reducing costs of providing dental services to low-income populations.

It is the intent of the legislature to address the problem of poor access to oral health care by providing for school-based sealant programs through the endorsement of dental hygienists." [2001 c 93 § 1.]

Effective date--2001 c 93: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 19, 2001]." [2001 c 93 § 5.]

RCW 43.70.660 Product safety education.

(1) The legislature authorizes the secretary to establish and maintain a product safety education campaign to promote greater awareness of products designed to be used by infants and children, excluding toys, that:

- (a) Are recalled by the United States consumer products safety commission;
- (b) Do not meet federal safety regulations and voluntary safety standards; or
- (c) Are unsafe or illegal to place into the stream of commerce under the infant crib safety

act, chapter 70.111 RCW.

(2) The department shall make reasonable efforts to ensure that this infant and children product safety education campaign reaches the target population. The target population for this campaign includes, but is not limited to, parents, foster parents and other caregivers, child care providers, consignment and resale stores selling infant and child products, and charitable and governmental entities serving infants, children, and families.

(3) The secretary may utilize a combination of methods to achieve this outreach and education goal, including but not limited to print and electronic media. The secretary may operate the campaign or may contract with a vendor.

(4) The department shall coordinate this infant and children product safety education campaign with child-serving entities including, but not limited to, hospitals, birthing centers, midwives, pediatricians, obstetricians, family practice physicians, governmental and private entities serving infants, children, and families, and relevant manufacturers.

(5) The department shall coordinate with other agencies and entities to eliminate duplication of effort in disseminating infant and children consumer product safety information.

(6) The department may receive funding for this infant and children product safety education effort from federal, state, and local governmental entities, child-serving foundations, or other private sources.

[2001 c 257 § 2.]

NOTES:

Findings--Intent--2001 c 257: "(1) The legislature finds that infants and children in Washington are injured, sometimes fatally, by unsafe consumer products designed for use by infants and children.

(2) The legislature finds that parents and other persons responsible for the care of infants and children are often unaware that some of these consumer products have been recalled or are unsafe.

(3) The legislature intends to address this lack of awareness by establishing a statewide infant and children product safety campaign across Washington state." [2001 c 257 § 1.]

RCW 43.70.900 References to the secretary or department of social and health services--1989 1st ex.s. c 9.

All references to the secretary or department of social and health services in the Revised Code of Washington shall be construed to mean the secretary or department of health when referring to the functions transferred in RCW 43.70.080, *15.36.005, 18.104.005, 19.32.005, **28A.210.005, 43.83B.005, 43.99D.005, 43.99E.005, ***70.05.005, 70.08.005, ***70.12.005, 70.22.005, 70.24.005, 70.40.005, 70.41.005, and 70.54.005.

[1990 c 33 § 580; 1989 1st ex.s. c 9 § 801.]

Notes:

Reviser's note: *(1) RCW 15.36.005 was recodified as RCW 15.36.471 pursuant to 1994 c 143 § 514.

** (2) RCW 28A.210.005 was repealed by 1995 c 335 § 307.

*** (3) RCW 70.05.005 and 70.12.005 were repealed by 1993 c 492 § 257, effective July 1, 1995.

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 43.70.901 References to the director or department of licensing--1989 1st ex.s. c 9.

All references to the director of licensing or department of licensing in the Revised Code of Washington shall be construed to mean the secretary or department of health when referring to the functions transferred in RCW 43.70.220.

[1989 1st ex.s. c 9 § 802.]

RCW 43.70.902 References to the hospital commission--1989 1st ex.s. c 9.

All references to the hospital commission in the Revised Code of Washington shall be construed to mean the secretary or the department of health.

[1989 1st ex.s. c 9 § 803.]

RCW 43.70.910 Effective date--1989 1st ex.s. c 9.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

[1989 1st ex.s. c 9 § 825.]

RCW 43.70.920 Severability--1989 1st ex.s. c 9.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 1st ex.s. c 9 § 826.]

**Chapter 43.72 RCW
HEALTH SYSTEM REFORM--HEALTH SERVICES COMMISSION**

Sections

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RCW 43.72.011 Definitions.

As used in this chapter, "health carrier," "health care provider," "provider," "health plan," and "health care facility" have the same meaning as provided in RCW 48.43.005.

[1997 c 274 § 5.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

RCW 43.72.090 Uniform or supplemental benefits--Provision by certified health plan only--Uniform benefits package as minimum.

(1) On and after December 31, 1995, no person or entity in this state shall provide the uniform benefits package and supplemental benefits as defined in *RCW 43.72.010 without being certified as a certified health plan by the insurance commissioner.

(2) On and after December 31, 1995, no certified health plan may offer less than the uniform benefits package to residents of this state and no registered employer health plan may provide less than the uniform benefits package to its employees and their dependents.

(3) The health services commission may authorize renewal or continuation until December 31, 1996, of health care service contracts, disability group insurance, or health maintenance policies in effect on December 31, 1995.

[1995 c 2 § 1; 1993 c 492 § 427.]

Notes:

Reviser's note: *(1) RCW 43.72.010 was repealed by 1995 c 265 § 27, effective July 1, 1995.

(2) RCW 43.72.090 was also repealed by 1995 c 265 § 27 without cognizance of its amendment by 1995 c 2 § 1. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

Effective date--1995 c 2: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [February 3, 1995]." [1995 c 2 § 5.]

Certification: Chapter 48.43 RCW.

RCW 43.72.090 Uniform or supplemental benefits--Provision by certified health plan only--Uniform benefits package as minimum.

[1993 c 492 § 427.] Repealed by 1995 c 265 § 27, effective July 1, 1995.

Notes:

Reviser's note: RCW 43.72.090 was also amended by 1995 c 2 § 1 without cognizance of its repeal by 1995 c 265 § 27. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

RCW 43.72.180 Legislative approval--Uniform benefits package and medical risk adjustment mechanisms.

The legislature may disapprove of the uniform benefits package developed under *RCW 43.72.130 and medical risk adjustment mechanisms developed under **RCW 43.72.040(7) by an act of law at any time prior to the last day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit a modified package to the legislature within fifteen days of the disapproval. If the legislature does not disapprove or modify the package by an act of law by the end of that regular session, the package is deemed approved.

[1995 c 2 § 2; 1993 c 492 § 454.]

Notes:

Reviser's note: *(1) RCW 43.72.130 was repealed by 1995 c 265 § 27, effective July 1, 1995.

***(2) RCW 43.72.040 was repealed by 1995 c 265 § 27, effective July 1, 1995.

(3) RCW 43.72.180 was also repealed by 1995 c 265 § 27 without cognizance of its amendment by 1995 c 2 § 2. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

Effective date--1995 c 2: See note following RCW 43.72.090.

RCW 43.72.180 Legislative approval--Uniform benefits package and medical risk adjustment mechanisms.

[1993 c 492 § 454.] Repealed by 1995 c 265 § 27, effective July 1, 1995.

Notes:

Reviser's note: RCW 43.72.180 was also amended by 1995 c 2 § 2 without cognizance of its repeal by 1995 c 265 § 27. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

RCW 43.72.300 Managed competition--Findings and intent.

(1) The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care services, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal

and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health insurers, contractors, and health maintenance organizations face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter 492, Laws of 1993 by any person or entity created or regulated by chapter 492, Laws of 1993 are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with RCW 43.72.310 or under rules adopted pursuant to chapter 492, Laws of 1993, does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;

(b) Among health carriers as to the price or level of reimbursement for health care services;

(c) Among health carriers to boycott a group or class of health care service providers;

(d) Among purchasers of health plan coverage to boycott a particular plan or class of plans;

(e) Among health carriers to divide the market for health care coverage; or

(f) Among health carriers and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a health plan or purchasing group.

[1997 c 274 § 6; 1993 c 492 § 447.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

RCW 43.72.310 Managed competition--Competitive oversight--Attorney general

duties--Anti-trust immunity--Fees.

(1) A health carrier, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or health plans may request, in writing, that the department of health obtain an informal opinion from the attorney general as to whether particular conduct is authorized by chapter 492, Laws of 1993. Trade secret or proprietary information contained in a request for informal opinion shall be identified as such and shall not be disclosed other than to an authorized employee of the department of health or attorney general without the consent of the party making the request, except that information in summary or aggregate form and market share data may be contained in the informal opinion issued by the attorney general. The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not authorized by chapter 492, Laws of 1993, the person or organization making the request may petition the department of health for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and consistent with such opinion, the department of health:

(a) May authorize conduct by a health carrier, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter 492, Laws of 1993 and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and health carriers including rules governing provider and facility contracts with health carriers, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that health carriers in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a health carrier including the ability of providers to meet and communicate for the purposes of these negotiations;

(d) Shall adopt rules governing cooperative activities among health care facilities and providers; and

(e) Effective July 1, 1997, in addition to the rule-making authority granted to the department under this section, the department shall have the authority to enforce and administer rules previously adopted by the health services commission and the health care policy board pursuant to RCW 43.72.310.

(3) A health carrier, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health care services or health plans may file a written petition with the department of health requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the department of health.

The department of health shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the department of health for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4) In authorizing conduct and adopting rules of conduct under this section, the department of health with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

- (a) Enhancement of the quality of health services to consumers;
- (b) Gains in cost efficiency of health services;
- (c) Improvements in utilization of health services and equipment;
- (d) Avoidance of duplication of health services resources; or
- (e) And as to (b) and (c) of this subsection: (i) Facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships; and (iii) reduces the transactions costs on the part of health carriers and providers in negotiating more cost-effective delivery arrangements.

These benefits must outweigh disadvantages including and not limited to:

- (i) Reduced competition among health carriers, health care providers, or health care facilities;
 - (ii) Adverse impact on quality, availability, or price of health care services to consumers;
- or
- (iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the department of health shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the department of health shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The department of health shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the department of health that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. If the department of health determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the department of health no longer outweigh the disadvantages attributable to potential reduction in competition, the department of health shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the department of health shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in chapter 492, Laws of 1993 is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

(8) The secretary of health shall from time to time establish fees to accompany the filing

of a petition or a written request to the department to obtain an opinion from the attorney general under this section and for the active supervision of conduct approved under this section. Such fees may vary according to the size of the transaction proposed in the petition or under active supervision. In setting such fees, the secretary shall consider that consumers and the public benefit when activities meeting the standards of this section are permitted to proceed; the importance of assuring that persons sponsoring beneficial activities are not foreclosed from filing a petition under this section because of the fee; and the necessity to avoid a conflict, or the appearance of a conflict, between the interests of the department and the public. The total fee for a petition under this section, a written request to the department to obtain an opinion from the attorney general, or a combination of both regarding the same conduct shall not exceed the level that will defray the reasonable costs the department and attorney general incur in considering a petition and in no event shall be greater than twenty-five thousand dollars. The fee for review of approved conduct shall not exceed the level that will defray the reasonable costs the department and attorney general incur in conducting such a review and in no event shall be greater than ten thousand dollars per annum. The fees shall be fixed by rule adopted in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, and shall be deposited in the health professions account established in accordance with RCW 43.70.320.

[1997 c 274 § 7; 1995 c 267 § 8; 1993 c 492 § 448.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.72.860 Managed care pilot projects.

(1) The department of labor and industries, in consultation with the workers' compensation advisory committee, may conduct pilot projects to purchase medical services for injured workers through managed care arrangements. The projects shall assess the effects of managed care on the cost and quality of, and employer and employee satisfaction with, medical services provided to injured workers.

(2) The pilot projects may be limited to specific employers. The implementation of a pilot project shall be conditioned upon a participating employer and a majority of its employees, or, if the employees are represented for collective bargaining purposes, the exclusive bargaining representative, voluntarily agreeing to the terms of the pilot. Unless the project is terminated by the department, both the employer and employees are bound by the project agreements for the duration of the project.

(3) Solely for the purpose and duration of a pilot project, the specific requirements of Title 51 RCW that are identified by the department as otherwise prohibiting implementation of the pilot project shall not apply to the participating employers and employees to the extent necessary for conducting the project. Managed care arrangements for the pilot projects may include the designation of doctors responsible for the care delivered to injured workers participating in the projects.

(4) The projects shall conclude no later than January 1, 1997.

[1998 c 245 § 79; 1995 c 81 § 2; 1993 c 492 § 486.]

RCW 43.72.900 Health services account.

The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

[1993 c 492 § 469.]

RCW 43.72.902 Public health services account.

The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts. During the 2001-2003 biennium, moneys in the fund may also be used for costs associated with hepatitis C testing and treatment in correctional facilities.

[2001 2nd sp.s. c 7 § 916; 2000 2nd sp.s. c 1 § 913; 1995 c 43 § 12; 1993 c 492 § 470.]

NOTES:

Severability--Effective date--2001 2nd sp.s. c 7: See notes following RCW 43.320.110.

Severability--Effective date--2000 2nd sp.s. c 1: See notes following RCW 41.05.143.

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

RCW 43.72.904 Health system capacity account.

The health system capacity account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the following purposes: Health data systems; health systems and public health research; health system regulation; health system planning, development, and administration; and improving the supply and geographic distribution of primary health service providers.

[1993 c 492 § 471.]

RCW 43.72.906 Personal health services account.

The personal health services account is created in the [state] treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the support of subsidized personal health services for low-income Washington residents.

[1993 c 492 § 472.]

RCW 43.72.910 Short title--1993 c 492.

This act may be known and cited as the Washington health services act of 1993.

[1993 c 492 § 487.]

RCW 43.72.911 Severability--1993 c 492.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 c 492 § 490.]

RCW 43.72.912 Savings--1993 c 492.

The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this act.

[1993 c 492 § 491.]

RCW 43.72.913 Captions not law--1993 c 492.

Captions used in this act do not constitute any part of the law.

[1993 c 492 § 492.]

RCW 43.72.914 Reservation of legislative power--1993 c 492.

The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

[1993 c 492 § 494.]

RCW 43.72.915 Effective dates--1993 c 492.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

(1) Sections 234 through 243, 245 through 254, and 257 of this act, which shall take effect January 1, 1996, or January 1, 1998, if funding is not provided as set forth in section 17(4)

of this act; and

(2) Sections 301 through 303 of this act, which shall take effect January 1, 1994.

[1995 c 43 § 15; 1993 sp.s. c 25 § 603; 1993 c 492 § 495.]

Notes:

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

RCW 43.72.916 Effective date--1993 c 494.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

[1993 c 494 § 8.]

Chapter 43.75 RCW

STATE BUILDING AUTHORITY--INDEBTEDNESS--REFUNDING--BOND ISSUE

Sections

| | |
|-----------|---|
| 43.75.200 | General obligation bonds--Refunding--Amount--Authority of state finance committee to issue. |
| 43.75.205 | General obligation bonds--Form, terms, covenants, etc.--Sale--Redemption. |
| 43.75.215 | General obligation bonds--Redemption--Enforcement. |
| 43.75.225 | Rescission of leases and agreements authorized. |
| 43.75.230 | Legislature may provide additional means for paying bonds. |
| 43.75.235 | Bonds legal investment for state and other public body funds. |
| 43.75.900 | Severability--1973 c 9. |
| 43.75.910 | Effective date--1973 c 9. |

RCW 43.75.200 General obligation bonds--Refunding--Amount--Authority of state finance committee to issue.

The state finance committee shall issue general obligation bonds of the state in the amount of seventy-two million one hundred sixty-seven thousand, six hundred fifty dollars, or so much thereof as may be required to refund, at or prior to maturity, all indebtedness, including any premium payable with respect thereto and all interest thereon, incurred by the Washington state building authority and to pay all costs incidental thereto and to the issuance of such bonds. Such refunding bonds shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in section 1 of Article VIII of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971 regular session.

[1973 c 9 § 1; 1971 ex.s. c 154 § 1.]

RCW 43.75.205 General obligation bonds--Form, terms, covenants, etc.--Sale--Redemption.

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds. Such bonds shall be payable at such places as the committee may provide.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

The proceeds from the sale of bonds authorized by this chapter and any interest earned on the interim investment of such proceeds, shall be used exclusively for the purposes specified in this chapter.

[1973 c 9 § 2.]

RCW 43.75.215 General obligation bonds--Redemption--Enforcement.

The state finance committee shall on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet retirement and interest requirements of such bonds, and on July 1st of each year the state treasurer shall deposit from any general state revenues such amount in the state building authority bond redemption fund hereby created in the state treasury. The owner and holder of each of the bonds or the trustee for any of the bondholders may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed by this section.

[1973 c 9 § 3.]

RCW 43.75.225 Rescission of leases and agreements authorized.

The Washington state building authority and the state institutions of higher learning and other state agencies are hereby authorized to rescind leases and other agreements entered into prior to February 21, 1973, pursuant to chapter 43.75 RCW at such time as all indebtedness incurred by the authority has been paid.

[1973 c 9 § 5.]

RCW 43.75.230 Legislature may provide additional means for paying bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized by this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1973 c 9 § 6.]

RCW 43.75.235 Bonds legal investment for state and other public body funds.

The bonds authorized by this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1973 c 9 § 7.]

RCW 43.75.900 Severability--1973 c 9.

If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 c 9 § 9.]

RCW 43.75.910 Effective date--1973 c 9.

This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and, except as otherwise specifically provided, shall take effect immediately.

[1973 c 9 § 10.]

**Chapter 43.78 RCW
PUBLIC PRINTER--PUBLIC PRINTING**

Sections

| | |
|-----------|--|
| 43.78.010 | Appointment of public printer. |
| 43.78.020 | Bond. |
| 43.78.030 | Duties--Exceptions. |
| 43.78.040 | Requisitions. |
| 43.78.050 | Itemized statement of charges. |
| 43.78.070 | Use of state plant--Conditions--Public printer's salary. |
| 43.78.080 | Printing specifications. |
| 43.78.090 | Reprinting. |
| 43.78.100 | Stock to be furnished. |
| 43.78.105 | Printing for institutions of higher education--Interlocal agreements. |
| 43.78.110 | Securing printing from private sources--Farming out. |
| 43.78.130 | Public printing for state agencies and municipal corporations--Exceptions to instate requirements. |

- 43.78.140 Public printing for state agencies and municipal corporations--Allowance of claims.
- 43.78.150 Public printing for state agencies and municipal corporations--Contracts for out-of-state work.
- 43.78.160 Public printing for state agencies and municipal corporations--Quality and workmanship requirements.
- 43.78.170 Recycled content requirement.

RCW 43.78.010 Appointment of public printer.

There shall be a public printer appointed by the governor with the advice and consent of the senate, who shall hold office at the pleasure of the governor and until his successor is appointed and qualified.

[1981 c 338 § 6; 1965 c 8 § 43.78.010. Prior: 1905 c 168 § 1; RRS § 10323.]

RCW 43.78.020 Bond.

Before entering upon the duties of his office, the public printer shall execute to the state a bond in the sum of ten thousand dollars conditioned for the faithful and punctual performance of all duties and trusts of his office.

[1965 c 8 § 43.78.020. Prior: 1933 c 97 § 4; 1905 c 168 § 2; RRS § 10324.]

RCW 43.78.030 Duties--Exceptions.

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities. This section shall not apply to the printing of the supreme court and the court of appeals reports, to the printing of bond certificates or bond offering disclosure documents, to the printing of educational publications of the state historical societies, or to any printing done or contracted for by institutions of higher education: PROVIDED, That institutions of higher education, in consultation with the public printer, develop vendor selection procedures comparable to those used by the public printer for contracted printing jobs. Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer. Any printing and binding of whatever description as may be needed by any institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed one thousand dollars, may be done by any private printing company in the general vicinity within the state of

Washington so ordering, if in the judgment of the officer of the agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars.

[1994 c 82 § 1; 1993 c 379 § 104; 1988 c 102 § 1; 1987 c 72 § 1; 1982 c 164 § 2; 1971 c 81 § 114; 1965 c 8 § 43.78.030. Prior: 1959 c 88 § 1; 1917 c 129 § 1; 1915 c 27 § 2; 1905 c 168 § 3; RRS § 10325.]

Notes:

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

Commission on supreme court reports, member: RCW 2.32.160.

Promotional printing for

apple advertising commission, exemption: RCW 15.24.085.

beef commission, exemption: RCW 16.67.170.

dairy products commission, exemption: RCW 15.24.085.

fruit commission, exemption: RCW 15.24.085.

honey bee commission, exemption: RCW 15.62.190.

Session laws, legislative journals, delivery to statute law committee: RCW 40.04.030.

RCW 43.78.040 Requisitions.

All printing and binding shall be done under the general superintendence of the authorities ordering it, and when completed shall be delivered to such authorities, who shall sign receipts therefor.

Before the public printer shall execute any printing or binding for any office, board, commission, or institution, the proper officer thereof shall apply therefor by requisition.

[1965 c 8 § 43.78.040. Prior: 1905 c 168 § 4; RRS § 10326.]

RCW 43.78.050 Itemized statement of charges.

Upon delivering a printing or binding job and receiving a receipt therefor the public printer shall make out, and deliver to the requesting agency an itemized statement of charges.

[1965 c 8 § 43.78.050. Prior: 1905 c 168 § 5, part; RRS § 10327.]

RCW 43.78.070 Use of state plant--Conditions--Public printer's salary.

The public printer shall use the state printing plant upon the following conditions, to wit:

(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington Reports for the publishers thereof under a contract approved in writing by the governor.

(2) The gross income of the public printer shall be deposited in an account designated "state printing plant revolving fund" in depositories approved by the state treasurer, and shall be

disbursed by the public printer by check and only as follows:

First, in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: PROVIDED, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund: PROVIDED, That a reasonable sum to be determined by the governor, the public printer, and the director of financial management shall be retained in the fund for working capital for the public printer.

[1979 c 151 § 134; 1965 c 8 § 43.78.070. Prior: 1961 c 307 § 5; 1955 c 340 § 12; 1951 c 151 § 1; 1933 c 97 § 3; RRS § 10327-2.]

RCW 43.78.080 Printing specifications.

All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the public printer.

The public printing shall be divided into the following classes:

FIRST CLASS. The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

SECOND CLASS. The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed in such form as the senate and house of representatives and the various state officers, commissions, boards, and institutions shall respectively provide.

THIRD CLASS. The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

FOURTH CLASS. The fourth class shall consist of the session laws, and shall be printed and bound in such form as the statute law committee shall provide.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three, and four.

[1972 ex.s. c 1 § 1; 1969 c 6 § 7; 1965 c 8 § 43.78.080. Prior: 1955 c 16 § 1; 1943 c 124 § 1; 1935 c 130 § 1; 1919 c 37 § 1; 1917 c 129 § 3; 1905 c 168 § 6; RRS § 10329.]

RCW 43.78.090 Reprinting.

Whenever required by law or by the legislature or by any state officer, board, commission, or institution the public printer shall keep the type used in printing any matter forming a part of the first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter.

[1965 c 8 § 43.78.090. Prior: 1935 c 130 § 2; 1919 c 37 § 2; 1907 c 174 § 1; RRS § 10330.]

RCW 43.78.100 Stock to be furnished.

The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. This section does not apply to institutions of higher education.

[1993 c 379 § 106; 1965 c 8 § 43.78.100. Prior: 1917 c 129 § 5; 1905 c 168 § 9; RRS § 10333.]

Notes:

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

RCW 43.78.105 Printing for institutions of higher education--Interlocal agreements.

The public printer may use the state printing plant for the purposes of printing or furnishing materials under RCW 43.78.100 if an interlocal agreement under chapter 39.34 RCW has been executed between an institution of higher education and the public printer.

[1993 c 379 § 105.]

Notes:

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

RCW 43.78.110 Securing printing from private sources--Farming out.

Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, the public printer may obtain such work or supplies from such private sources.

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

[1993 c 379 § 107; 1982 c 164 § 3; 1969 c 79 § 1; 1965 c 8 § 43.78.110. Prior: 1935 c 130 § 3; RRS § 10333-1.]

Notes:

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

RCW 43.78.130 Public printing for state agencies and municipal corporations--Exceptions to instate requirements.

All printing, binding, and stationery work done for any state agency, county, city, town, port district, or school district in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: PROVIDED, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state.

[1999 c 365 § 1; 1965 c 8 § 43.78.130. Prior: 1919 c 80 § 1; RRS § 10335.]

RCW 43.78.140 Public printing for state agencies and municipal corporations--Allowance of claims.

No bill or claim for any such work shall be allowed by any officer of a state agency or public corporation or be paid out of its funds, unless it appears that the work was executed within the state or that the execution thereof within the state could not have been procured, or procured at reasonable and competitive rates, and no action shall be maintained against such corporation or its officers upon any contract for such work unless it is alleged and proved that the work was done within the state or that the bids received therefor were unreasonable or not truly competitive.

[1999 c 365 § 2; 1965 c 8 § 43.78.140. Prior: 1919 c 80 § 2; RRS § 10336.]

RCW 43.78.150 Public printing for state agencies and municipal corporations--Contracts for out-of-state work.

All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale, and the rules and regulations of the

department of labor and industries regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof.

[1994 c 164 § 12; 1973 1st ex.s. c 154 § 86; 1965 c 8 § 43.78.150. Prior: 1953 c 287 § 1; 1919 c 80 § 3; RRS § 10337.]

Notes:

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 43.78.160 Public printing for state agencies and municipal corporations--Quality and workmanship requirements.

Nothing in RCW 43.78.130, 43.78.140 and 43.78.150 shall be construed as requiring any public official to accept any such work of inferior quality or workmanship.

[1965 c 8 § 43.78.160. Prior: 1919 c 80 § 4; RRS § 10338.]

RCW 43.78.170 Recycled content requirement.

The public printer shall take all actions consistent with the *plan under RCW 43.19A.050 to ensure that seventy-five percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1997, and ninety percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1999.

[1996 c 198 § 3; 1991 c 297 § 10.]

Notes:

***Reviser's note:** The mandatory plan under RCW 43.19A.050 was renamed a strategy by 1996 c 198.

Captions not law--1991 c 297: See RCW 43.19A.900.

**Chapter 43.79 RCW
STATE FUNDS**

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Notes:

Access roads revolving fund: RCW 79.38.050.

Accounting for: RCW 43.88.160.

Aeronautics account

created: RCW 82.42.090.

deposit of

aircraft dealer's license and certificate fees: RCW 14.20.060.

aircraft fuel tax proceeds: RCW 82.42.090.

Antitrust revolving fund: RCW 43.10.215.

Arbitration of labor disputes: RCW 49.08.060.

Auditing services revolving account: RCW 43.09.410.

Basic data fund: RCW 43.21A.067.

Capitol building construction account: Chapter 79.24 RCW.

Capitol purchase and development account

deposit of moneys received from management of east capitol site in: RCW 79.24.570.

proceeds from sale of tidelands and shorelands paid into: RCW 79.24.580.

Cemetery fund: Chapter 68.05 RCW.

Central operating fund: RCW 74.08.278.

Cerebral palsy: RCW 70.82.021, 70.82.022.

Community and economic development fee account: RCW 43.330.155.

Community services revolving fund: RCW 9.95.360.

Contingency fire suppression account: RCW 76.04.620.

Department of personnel service fund: RCW 41.06.280.

Department of retirement systems expense fund: RCW 41.50.110.

Depositaries, state moneys or funds defined for purposes of: RCW 43.85.200.

Disbursement by warrant or check: RCW 43.88.160.

Distribution to annexed areas, basis for: RCW 35.13.260.

Electrical license account, designation of: RCW 19.28.351.

Fair fund

horse racing money: RCW 15.76.115.

moneys from lease of state lands by director of agriculture to go into: RCW 15.04.090.

Federal forest revolving fund: RCW 28A.520.010 and 28A.520.020.

Ferries revolving fund: RCW 47.60.170.

Flood control contributions: Chapter 86.18 RCW.

Forest development account: Chapter 76.12 RCW.

Freshwater aquatic weeds account: RCW 43.21A.650.

Fruit and vegetable inspection trust account: RCW 15.17.245.

General administration funds: Chapter 43.82 RCW.

General administration services account: RCW 43.19.500.

General fund

aircraft registration fees deposited in: RCW 47.68.250.

appropriations by legislature (for common school purposes): RCW 28A.150.380.

architects license account created in: RCW 18.08.240.

boxing, kickboxing, martial arts, and wrestling events: RCW 67.08.050.

camping resort fines deposited in: RCW 19.105.380.

cerebral palsy: RCW 70.82.021, 70.82.022.

commercial feed account: RCW 15.53.9044.

commission merchants' account, fees paid into: RCW 20.01.130.

electrical licenses account: RCW 19.28.351.

elevators, escalators and dumbwaiter fees deposited in: RCW 70.87.210.

escheats, sale of property deposited in: RCW 11.08.120.

forest development account: Chapter 76.12 RCW.

liquor excise taxes paid into: RCW 82.08.160.

marine fuel tax refund account: RCW 79A.25.040.

moneys collected under chapter 15.36 RCW to go into: RCW 15.36.491.

monthly financial report of state treasurer as to: RCW 43.08.150.

motor vehicle use tax revenues deposited in: RCW 82.12.045.

old age assistance grants charged against: RCW 74.08.370.

outdoor recreation account: RCW 79A.25.060.

parks and parkways, fund for, deposits in: RCW 36.82.210.

pilotage account: RCW 88.16.061.

proceeds from sale of insurance code: RCW 48.02.180.

professional engineers' account established, disposition of fees into: RCW 18.43.080, 18.43.150.

public utility district privilege tax: RCW 54.28.040, 54.28.050.

real estate commission account, license fees: RCW 18.85.220.

reclamation revolving account, generally: RCW 89.16.020 through 89.16.040, 90.16.090.

school apportionment from: RCW 28A.510.250.

seed account, moneys collected under seed law to go into: RCW 15.49.470.

special account in general fund for support of common schools: RCW 82.45.180.

state educational trust fund: RCW 28B.10.821.

state general fund--Estimates for state support to public schools from: RCW 28A.300.170.

state general fund support to public schools--School district reimbursement programs: Chapter 28A.150 RCW.

state institutional personnel, charges for quarters: RCW 72.01.282.

taxes: RCW 82.32.380.

unclaimed property, proceeds of sale paid into: RCW 63.29.230.

Grain inspection revolving fund: RCW 22.09.830.

Highway bond retirement funds: Chapter 47.10 RCW.

Highway equipment fund: RCW 47.08.120, 47.08.121.

Highway safety fund

ability to respond in damages abstract fee deposited in: RCW 46.29.050.

county road and bridge violations, fines paid into: RCW 36.82.210.

created, use: RCW 46.68.060.

fees for copies of motor vehicle licensing records to go into: RCW 46.01.250.

for-hire motor vehicle certificates and operators' permits, moneys from to go into: RCW 46.72.110.

moneys accruing from fees for motor vehicle operators' licenses to go into: RCW 46.68.041.

moneys for abstracts of operating records to go into: RCW 46.52.130.

operating record abstract fee deposited in: RCW 46.29.050.

Hop inspection fund: RCW 22.09.830.

Hospital and medical facilities construction fund: RCW 70.40.150.

Industrial insurance funds: Chapter 51.44 RCW.

Juvenile correctional institution building bond redemption fund: RCW 72.19.100.

Legal services revolving fund: RCW 43.10.150.

Liability account: RCW 4.92.130.

Liquor excise tax fund: RCW 82.08.160, 82.08.170.

Liquor revolving fund: RCW 66.08.170.

Log patrol revolving fund, brand and mark registration fees deposited in: RCW 76.36.160.

Manufactured home installation training account: RCW 43.63B.080.

Marine fuel tax refund account: RCW 79A.25.040.

Marketing act revolving fund: RCW 15.65.460.

Medical aid fund: RCW 51.44.020.

Monthly financial report of state treasurer as to: RCW 43.08.150.

Morrill fund: RCW 28B.30.275.

Motor vehicle fund

state Constitution Art. 2 § 40, RCW 46.68.070.

vehicle license proceeds, deposits in: RCW 46.68.030.

Municipal revolving account: RCW 43.09.282.

Northwest nursery fund, planting stock act moneys to go into: RCW 15.14.145.

OASI contribution account: RCW 41.48.060.

Outdoor recreation account, disposition of outdoor recreational bond issue proceeds in: RCW 79A.25.060.

Oyster reserve fund, proceeds from sale or lease of oyster reserves paid into: RCW 79.96.110.

Parks and parkways account

abolished: RCW 43.79.405.

deposit of inspections costs on recreational devices: RCW 79A.40.070.

disposition of outdoor recreational facilities bond issue proceeds in: RCW 79A.10.020.

Permanent common school fund: State Constitution Art. 9 § 2.

applied exclusively to common schools: State Constitution Art. 9 § 2.

apportionment by Art. 2 § 28(7).

banks and trust companies, liquidation and winding up

dividends unclaimed deposited in: RCW 30.44.150, 30.44.180.

personal property, proceeds deposited in: RCW 30.44.220.

credit union unclaimed funds on liquidation escheat to: Chapter 31.12 RCW.

defalcation, fraud or mismanagement losses borne by state, interest: RCW 28A.515.310.

enlargement authorized: State Constitution Art. 9 § 3.

game and game fish lands, withdrawn from lease, payment of amount of lease into: RCW 77.12.360.

income from

to be applied to common schools: State Constitution Art. 9 § 2.

used for current expenses: State Constitution Art. 9 § 2.

investment, what securities: State Constitution Art. 16 § 5.
losses from, how made good: State Constitution Art. 9 § 5.
permanent and irreducible: State Constitution Art. 9 § 3; RCW 28A.515.300.
proceeds of lands and property reverting to state: RCW 28A.515.300.
safe deposit box contents, unclaimed after liquidation and winding up of bank or trust company, proceeds from sale deposited in: RCW 30.44.220.
sources of, from what derived: State Constitution Art. 9 § 3.
state lands
acquired, lease and sale of, proceeds to go into: RCW 79.01.612.
withdrawn for game purposes, payment of amount of lease into: RCW 77.12.360.
Printing revolving fund: RCW 43.78.070.
Professional engineers' account established, disposition of fees into: RCW 18.43.080, 18.43.150.
Public assistance, central operating fund: RCW 74.08.278.
Public depositaries, deposit and investment of public funds: Chapter 39.58 RCW.
Public safety and education account: RCW 43.08.250.
Public schools building bond redemption funds: Chapter 28A.525 RCW.
Public service revolving fund: RCW 80.01.080.
Puget Sound capital construction account
created, use: Chapter 47.60 RCW.
distribution of motor vehicle fuel tax proceeds to: RCW 82.36.020.
Receipt and keeping of: RCW 43.88.160.
Reserve fund, moneys in may be invested in motor vehicle fund warrants: RCW 47.12.210.
Resource management cost account: RCW 79.64.020.
Retirement systems expense fund: RCW 41.50.110.
Revolving funds: RCW 43.88.180, 43.88.190.
Secretary of state's revolving fund: RCW 43.07.130.
State building and higher education construction account, redemption fund: RCW 43.83.074.
State fair fund: RCW 15.76.100, 15.76.170.
State patrol retirement fund: RCW 43.43.130.
State trade fair fund, allocations to state trade fairs from: Chapter 43.31 RCW.
State treasurer's service fund: RCW 43.08.190.
State vehicle parking account: RCW 43.01.225.
Statute law committee publications account: RCW 1.08.0392.
Teachers' retirement fund: RCW 41.50.200.
Teachers' retirement pension reserve fund: RCW 41.50.200.
Thurston county capital facilities account: RCW 43.19.501.
Toll bridge authority trust fund for revenues from sale of Puget Sound ferry and toll bridge system bonds: RCW 47.60.150.
Toll bridge funds: Chapter 47.56 RCW.
Undistributed receipts account: RCW 43.01.050.
Unemployment compensation funds, generally: RCW 50.16.010, 50.16.020.
University of Washington
bond retirement fund: RCW 28B.20.720.
building account: RCW 28B.15.210.
Volunteer fire fighters' and reserve officers' relief and pension principal fund: RCW 41.24.030.
Washington State University
bond retirement fund: RCW 28B.30.740.
bond retirement fund of 1977--Created--Purpose: RCW 28B.31.060.
building account: RCW 28B.30.730.
Morrill fund: RCW 28B.30.275.

Wildlife fund: Chapter 77.12 RCW.

RCW 43.79.010 General fund, how constituted.

All moneys paid into the state treasury, except moneys received from taxes levied for specific purposes, and the several permanent and irreducible funds of the state and the moneys derived therefrom, shall be paid into the general fund of the state.

[1965 c 8 § 43.79.010. Prior: 1907 c 8 § 1; RRS § 5509.]

RCW 43.79.015 Accounts in general fund designated as accounts in state treasury--Credit of earnings to general fund.

On and after July 1, 1985, all accounts heretofore or hereafter created in the state general fund shall be designated and treated as accounts in the state treasury. Unless otherwise designated by statute, all earnings on balances of such accounts shall be credited to the general fund.

[1985 c 57 § 89.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.79.020 License fees to general fund.

Except as otherwise provided by law, all moneys received as fees for the issuance of licenses upon examination, and the renewal thereof, and paid into the state treasury, shall be credited to the general fund; and all expenses incurred in connection with the examination of applicants for licenses, and the issuance and renewal of licenses upon examination shall be paid by warrants drawn against the general fund.

[1965 c 8 § 43.79.020. Prior: 1921 c 81 § 1; RRS § 5511.]

RCW 43.79.060 University permanent fund.

There shall be in the state treasury a permanent and irreducible fund known as the "state university permanent fund," into which shall be paid all moneys derived from the sale of lands granted, held, or devoted to state university purposes.

[1965 c 8 § 43.79.060. Prior: 1907 c 168 § 1; RRS § 5518.]

RCW 43.79.071 University of Washington fund--Moneys transferred to general fund.

All moneys in the state treasury to the credit of the University of Washington fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the University of Washington fund, shall be and are hereby transferred to and placed in the

general fund.

[1965 c 8 § 43.79.071. Prior: 1955 c 332 § 1.]

RCW 43.79.072 University of Washington fund--Appropriations to be paid from general fund.

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the University of Washington fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.072. Prior: 1955 c 332 § 2.]

RCW 43.79.073 University of Washington fund--Abolished.

From and after the first day of May, 1955, the University of Washington fund is abolished.

[1965 c 8 § 43.79.073. Prior: 1955 c 332 § 3.]

RCW 43.79.074 University of Washington fund--Warrants to be paid from general fund.

From and after the first day of May, 1955, all warrants drawn on the University of Washington fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.074. Prior: 1955 c 332 § 4.]

RCW 43.79.075 University of Washington fund--Other revenue for support of university.

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the University of Washington fund, shall be used for any purpose except the support of the University of Washington.

[1965 c 8 § 43.79.075. Prior: 1955 c 332 § 5.]

RCW 43.79.080 University building fund.

There shall be in the state treasury a fund known and designated as the "University of Washington building account".

[1985 c 57 § 36; 1965 c 8 § 43.79.080. Prior: 1915 c 66 § 1; RRS § 5535.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.79.100 Scientific school grant to Washington State University.

The one hundred thousand acres of land granted by the United States government to the state for a scientific school in section 17 of the enabling act, are assigned to the support of Washington State University.

[1965 c 8 § 43.79.100. Prior: 1917 c 11 § 1; RRS § 5525.]

RCW 43.79.110 Scientific permanent fund.

There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

[1991 sp.s. c 13 § 96; 1965 c 8 § 43.79.110. Prior: 1901 c 81 § 4; RRS § 5526.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.79.120 Agricultural college grant to Washington State University.

The ninety thousand acres of land granted by the United States government to the state for an agricultural college in section 16 of the enabling act are assigned to the support of Washington State University.

[1965 c 8 § 43.79.120.]

RCW 43.79.130 Agricultural permanent fund.

There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account less the allocation to the state treasurer's service account [fund] pursuant to RCW 43.08.190.

[1991 sp.s. c 13 § 94; 1965 c 8 § 43.79.130.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.79.140 Washington State University--Moneys paid into general fund for support of.

There shall be paid into the state general fund for the support of Washington State University the following moneys:

(1)--All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the agricultural college and school of science;

(2)--All interest or income arising from the proceeds of the sale of any of such lands;

(3)--All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

[1965 c 8 § 43.79.140. Prior: 1905 c 43 § 2; RRS § 5521.]

RCW 43.79.150 Normal school grant to former state colleges of education and The Evergreen State College.

The one hundred thousand acres of land granted by the United States government to the state for state normal schools in section 17 of the enabling act are assigned to the support of the regional universities, which were formerly the state colleges of education and to The Evergreen State College.

[1993 c 411 § 3; 1977 ex.s. c 169 § 104; 1965 c 8 § 43.79.150.]

Notes:

Finding--1993 c 411: See note following RCW 28B.35.751.

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.160 Normal school permanent fund.

There shall be in the state treasury a permanent and irreducible fund known as the "normal school permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for state normal schools.

[1965 c 8 § 43.79.160.]

RCW 43.79.180 Former state colleges of education--Moneys paid into general fund for support of.

There shall be paid into the state general fund for the use and support of the regional universities (formerly state colleges of education) the following moneys:

(1)--All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the state normal schools;

(2)--All interest or income arising from the proceeds of the sale of such lands;

(3)--All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

[1977 ex.s. c 169 § 105; 1965 c 8 § 43.79.180. Prior: 1905 c 43 § 4; RRS § 5523.]

Notes:

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.201 C.E.P. & R.I. account--Moneys transferred to charitable, educational, penal and reformatory institutions account--Exception.

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community, trade, and economic development for the housing assistance program under chapter 43.185 RCW.

[1995 c 399 § 77; 1991 sp.s. c 13 § 39; 1991 c 204 § 3; 1985 c 57 § 37; 1965 ex.s. c 135 § 2; 1965 c 8 § 43.79.201. Prior: 1961 c 170 § 1.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Income potential: RCW 79.01.007.

Inventory of land: RCW 79.01.006.

RCW 43.79.202 C.E.P. & R.I. fund--Abolished--Appropriations to be paid from and warrants drawn on account in general fund.

On and after March 20, 1961, the C.E.P. & R.I. fund is abolished; all appropriations made by the thirty-seventh legislature from such abolished fund shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund and all warrants drawn on the C.E.P. & R.I. fund prior to March 20, 1961 and not theretofore presented for payment shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund.

[1965 c 8 § 43.79.202. Prior: 1961 c 170 § 2.]

RCW 43.79.210 Federal cooperative extension fund.

There shall be in the state treasury a fund known as the federal cooperative agricultural extension fund, and all moneys paid into the state treasury for, or to the credit of, the Smith-Lever and Capper-Ketcham funds shall be placed in the federal cooperative agricultural

extension fund.

[1965 c 8 § 43.79.210. Prior: 1935 c 63 § 1; RRS § 5536-4.]

RCW 43.79.260 Governor designated state's agent.

The governor is designated the agent of the state to accept and receive all funds from federal and other sources not otherwise provided for by law and to deposit them in the state treasury to the credit of the appropriate fund or account.

[1973 c 144 § 1; 1965 c 8 § 43.79.260. Prior: 1945 c 243 § 3; Rem. Supp. 1945 § 5517-12.]

RCW 43.79.270 Unanticipated receipts--Duty of department heads.

(1) Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) Notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate, if the legislature is in session, at the same time as it is transmitted to the governor. During the legislative interim, any such proposal must be submitted to the legislative transportation committee.

[1998 c 177 § 1; 1996 c 288 § 37; 1973 c 144 § 2; 1965 c 8 § 43.79.270. Prior: 1945 c 243 § 4; Rem. Supp. 1945 § 5517-13.]

RCW 43.79.280 Unanticipated receipts--Duty of governor on approval.

(1) If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

(2) If the governor approves an estimate with transportation funding implications, in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval of a proposal to expend transportation money in excess of appropriations provided by law and a statement of the amount approved for expenditure must be transmitted simultaneously to the standing committees on transportation of the house and senate. During the legislative interim, all estimate approvals endorsed by the governor along with a statement of the amount approved in the form of an allotment amendment must be transmitted simultaneously to the legislative transportation committee.

[1998 c 177 § 2; 1996 c 288 § 38; 1973 c 144 § 3; 1965 c 8 § 43.79.280. Prior: 1945 c 243 § 5; Rem. Supp. 1945 § 5517-14.]

RCW 43.79.282 Compliance with RCW 43.79.260 through 43.79.280.

No state department, agency, board, or commission shall expend money in excess of appropriations provided by law based on the receipt of unanticipated revenues without complying with the provisions of RCW 43.79.260 through 43.79.280.

[1973 c 144 § 4.]

RCW 43.79.300 Central College fund--Moneys transferred to general fund.

All moneys in the state treasury to the credit of the Central College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Central College fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.300. Prior: 1955 c 333 § 1.]

RCW 43.79.301 Central College fund--Appropriations to be paid from general fund.

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Central College fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.301. Prior: 1955 c 333 § 2.]

RCW 43.79.302 Central College fund--Abolished.

From and after the first day of May, 1955, the Central College fund is abolished.

[1965 c 8 § 43.79.302. Prior: 1955 c 333 § 3.]

RCW 43.79.303 Central College fund--Warrants to be paid from general fund.

From and after the first day of May, 1955, all warrants drawn on the Central College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.303. Prior: 1955 c 333 § 4.]

RCW 43.79.304 Central College fund--Other revenue for support of Central Washington University.

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Central College fund, shall be used for any purpose except the support of the Central Washington University (formerly Central Washington State College).

[1977 ex.s. c 169 § 106; 1965 c 8 § 43.79.304. Prior: 1955 c 333 § 5.]

Notes:

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.310 Eastern College fund--Moneys transferred to general fund.

All moneys in the state treasury to the credit of the Eastern College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Eastern College fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.310. Prior: 1955 c 334 § 1.]

RCW 43.79.311 Eastern College fund--Appropriations to be paid from general fund.

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Eastern College fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.311. Prior: 1955 c 334 § 2.]

RCW 43.79.312 Eastern College fund--Abolished.

From and after the first day of May, 1955, the Eastern College fund is abolished.

[1965 c 8 § 43.79.312. Prior: 1955 c 334 § 3.]

RCW 43.79.313 Eastern College fund--Warrants to be paid from general fund.

From and after the first day of May, 1955, all warrants drawn on the Eastern College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.313. Prior: 1955 c 334 § 4.]

RCW 43.79.314 Eastern College fund--Other revenue for support of Eastern Washington University.

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Eastern College fund, shall be used for any purpose except the support of the Eastern Washington University (formerly Eastern Washington State College).

[1977 ex.s. c 169 § 107; 1965 c 8 § 43.79.314. Prior: 1955 c 334 § 5.]

Notes:

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.320 Western College fund--Moneys transferred to general fund.

All moneys in the state treasury to the credit of the Western College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Western College fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.320. Prior: 1955 c 335 § 1.]

RCW 43.79.321 Western College fund--Appropriations to be paid from general fund.

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Western College fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.321. Prior: 1955 c 335 § 2.]

RCW 43.79.322 Western College fund--Abolished.

From and after the first day of May, 1955, the Western College fund is abolished.

[1965 c 8 § 43.79.322. Prior: 1955 c 335 § 3.]

RCW 43.79.323 Western College fund--Warrants to be paid from general fund.

From and after the first day of May, 1955, all warrants drawn on the Western College

fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.323. Prior: 1955 c 335 § 4.]

RCW 43.79.324 Western College fund--Other revenue for support of Western Washington University.

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Western College fund, shall be used for any purpose except the support of the Western Washington University (formerly Western Washington State College).

[1977 ex.s. c 169 § 108; 1965 c 8 § 43.79.324. Prior: 1955 c 335 § 5.]

Notes:

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.330 Miscellaneous state funds--Moneys transferred to accounts in the state treasury.

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state treasury, the creation of which is hereby authorized:

(1) Capitol building construction fund moneys, to the capitol building construction account;

(2) Cemetery fund moneys, to the cemetery account;

(3) Feed and fertilizer fund moneys, to the feed and fertilizer account;

(4) Forest development fund moneys, to the forest development account;

(5) Harbor improvement fund moneys, to the harbor improvement account;

(6) Millersylvania Park current fund moneys, to the Millersylvania Park current account;

(7) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;

(8) Real estate commission fund moneys, to the real estate commission account;

(9) Reclamation revolving fund moneys, to the reclamation revolving account;

(10) University of Washington building fund moneys, to the University of Washington building account; and

(11) State College of Washington building fund moneys, to the Washington State University building account.

[1991 sp.s. c 13 § 3; 1985 c 57 § 38; 1981 c 242 § 3; 1980 c 32 § 3; 1979 ex.s. c 67 § 3; 1965 c 8 § 43.79.330. Prior: 1959 c 273 § 6; 1957 c 115 § 6; 1955 c 370 § 1.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Effective dates--1981 c 242: "Sections 1, 2, and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981. Section 3 of this act shall take effect September 1, 1981." [1981 c 242 § 5.]

Effective date--1980 c 32 § 3: "Section 3 of this act shall take effect September 1, 1981." [1980 c 32 § 4.]

Severability--1979 ex.s. c 67: See note following RCW 19.28.351.

RCW 43.79.331 Miscellaneous state funds--Abolished.

From and after the first day of May, 1955, all funds from which moneys are transferred to general fund accounts pursuant to RCW 43.79.330, are abolished.

[1965 c 8 § 43.79.331. Prior: 1955 c § 370 § 2.]

RCW 43.79.332 Miscellaneous state funds--Appropriations of 34th legislature to be paid from general fund.

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from any of the funds abolished by RCW 43.79.331, shall be paid from the general fund from the account to which the moneys of the abolished fund have been transferred by RCW 43.79.330.

[1965 c 8 § 43.79.332. Prior: 1955 c 370 § 3.]

RCW 43.79.333 Miscellaneous state funds--Warrants to be paid from general fund.

From and after the first day of May, 1955, all warrants drawn on any fund abolished by RCW 43.79.331 and not theretofore presented for payment, shall be paid from the general fund from the account to which the moneys of the abolished fund are directed by RCW 43.79.330 to be transferred.

[1965 c 8 § 43.79.333. Prior: 1955 c 370 § 4.]

RCW 43.79.334 Miscellaneous state funds--Expenditures--Revenue from other than general fund.

Expenditures from any account described in RCW 43.79.330 shall be limited to the moneys credited to the account. No revenue from any source other than the general fund, which, except for the provisions of RCW 43.79.330 through 43.79.334, would have been paid into any fund other than the general fund, shall be used for any purpose except those purposes for which such moneys were authorized prior to the enactment hereof.

[1965 c 8 § 43.79.334. Prior: 1955 c 370 § 5.]

RCW 43.79.335 Miscellaneous state funds--Washington State University building

account.

Upon and after June 30, 1961 the account in the state treasury known as the "State College of Washington Building Account" shall be known and referred to as the "Washington State University Building Account." This section shall not be construed as effecting any change in such fund other than the name thereof and as otherwise provided by law.

[1985 c 57 § 39; 1965 c 8 § 43.79.335. Prior: 1961 ex.s. c 11 § 3.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.79.336 Puget Sound pilotage account redesignated as pilotage account.

See RCW 88.16.061.

RCW 43.79.340 General obligation bond retirement fund--Moneys transferred to general fund.

All moneys in the state treasury to the credit of the general obligation bond retirement fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the general obligation bond retirement fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.340. Prior: 1955 c 330 § 1.]

RCW 43.79.341 General obligation bond retirement fund--Appropriations of 34th legislature to be paid from general fund.

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the general obligation bond retirement fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.341. Prior: 1955 c 330 § 2.]

RCW 43.79.342 General obligation bond retirement fund--Abolished.

From and after the first day of May, 1955, the general obligation bond retirement fund is abolished.

[1965 c 8 § 43.79.342. Prior: 1955 c 330 § 3.]

RCW 43.79.343 General obligation bond retirement fund--Warrants to be paid from general fund.

From and after the first day of May, 1955, all warrants drawn on the general obligation bond retirement fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when

presented from the general fund.

[1965 c 8 § 43.79.343. Prior: 1955 c 330 § 4.]

RCW 43.79.350 Suspense account.

There is established in the state treasury a special account to be known as the suspense account. All moneys which heretofore have been deposited with the state treasurer in the state treasurer's suspense fund, and moneys hereafter received which are contingent on some future action, or which cover overpayments and are to be refunded to the sender in part or whole, and any other moneys of which the final disposition is not known, shall be transmitted to the state treasurer and deposited in the suspense account.

[1985 c 57 § 40; 1981 2nd ex.s. c 4 § 6; 1965 c 8 § 43.79.350. Prior: 1955 c 226 § 1.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

RCW 43.79.370 Suspense account--Disbursements--Vouchers--Warrants.

Disbursement from the suspense account (not to exceed receipts), shall be by warrant issued against the account by the state treasurer, upon a properly authenticated voucher presented by the state department or office which deposited the moneys in the account.

[1981 2nd ex.s. c 4 § 7; 1965 c 8 § 43.79.370. Prior: 1955 c 226 § 3.]

Notes:

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

RCW 43.79.381 Penitentiary revolving account abolished.

From and after the first day of August, 1957, the penitentiary revolving account is abolished.

[1965 c 8 § 43.79.381. Prior: 1957 c 115 § 2.]

RCW 43.79.390 United States vocational education account--Moneys transferred to general fund.

All moneys in the state treasury to the credit of the United States vocational education account in the general fund on August 1, 1957, and all moneys thereafter paid into the state treasury for or to said account, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.390. Prior: 1957 c 226 § 1.]

RCW 43.79.391 United States vocational education account--Appropriations to be paid from general fund.

From and after the first day of July, 1957, all appropriations made by the thirty-fifth legislature from the United States vocational education account shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.391. Prior: 1957 c 226 § 2.]

RCW 43.79.392 United States vocational education account--Abolished.

From and after the first day of August, 1957, the United States vocational education account in the general fund is abolished.

[1965 c 8 § 43.79.392. Prior: 1957 c 226 § 3.]

RCW 43.79.393 United States vocational education account--Warrants to be paid from general fund.

From and after the first day of August, 1957, all warrants drawn on the United States vocational education account in the general fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.393. Prior: 1957 c 226 § 4.]

RCW 43.79.400 State payroll revolving account, agency payroll revolving fund--Created--Utilization.

See RCW 42.16.011.

RCW 43.79.405 Parks and parkways account abolished--Funds transferred to general fund.

The state parks and parkways account created under section 43.79.330(15), chapter 8, Laws of 1965, is hereby abolished and all funds remaining therein at August 1, 1969, transferred to the state general fund.

[1969 c 99 § 4.]

Notes:

Effective date--1969 c 99: The effective date of this section is July 1, 1969; see note following RCW 79A.05.070.

RCW 43.79.410 Legal services revolving fund--Created--Purpose--Uses.

See RCW 43.10.150 through 43.10.200.

RCW 43.79.420 Miscellaneous state funds--Moneys transferred to basic state general fund.

All moneys to the credit of the following state funds or accounts on the first day of July, 1973, are hereby transferred to the basic state general fund:

- (1) Mass transit trust moneys;
- (2) Probation services moneys;
- (3) Columbia river gorge commission moneys;
- (4) Washington state song proceeds moneys;
- (5) Juvenile correction institution building construction fund moneys.

[1973 1st ex.s. c 59 § 3.]

Notes:

Effective date--1973 1st ex.s. c 59: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973." [1973 1st ex.s. c 59 § 7.]

RCW 43.79.421 Miscellaneous state funds--Abolished.

From and after the first day of July, 1973, all funds from which moneys are transferred to the basic state general fund pursuant to subsections (1), (2), (4), and (5) of RCW 43.79.420 are abolished.

[1973 1st ex.s. c 59 § 4.]

Notes:

Effective date--1973 1st ex.s. c 59: See note following RCW 43.79.420.

RCW 43.79.422 Miscellaneous state funds--Warrants to be paid from basic state general fund.

From and after the first day of July, 1973, all warrants drawn on any fund abolished by RCW 43.79.421 and not theretofore presented for payment, shall be paid from the basic state general fund.

[1973 1st ex.s. c 59 § 5.]

Notes:

Effective date--1973 1st ex.s. c 59: See note following RCW 43.79.420.

RCW 43.79.423 Miscellaneous state funds or accounts--Moneys transferred to state general fund.

All moneys to the credit of the following state funds or accounts as of September 8, 1975 are transferred to the state general fund on that date:

- (1) The public school building construction account of the general fund created under RCW 43.79.330; and
- (2) The general administration construction fund in the general fund created under *RCW 43.82.090.

[1975 1st ex.s. c 91 § 1.]

Notes:

***Reviser's note:** RCW 43.82.090 was repealed by 1994 c 219 § 20.

RCW 43.79.425 Current state school fund--Abolished--Moneys transferred.

On and after June 12, 1980, the current state school fund is abolished and the state treasurer shall transfer any moneys in such account on such June 12, 1980, or any moneys thereafter received for such account, to the common school construction fund as referred to in RCW 28A.515.320.

[1990 c 33 § 581; 1980 c 6 § 6.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.
Severability--1980 c 6: See note following RCW 28A.515.320.

RCW 43.79.430 Moneys from Inland Power & Light company to be deposited in general fund.

All monies received from the Inland Power & Light company, its successors and assigns, in virtue of an agreement made and entered into between said company and the State of Washington on August 31, 1932, relating to a fish hatchery on Lewis river, shall be deposited in the general fund.

[1980 c 32 § 1; 1933 c 123 § 1.]

Notes:

Effective date--1980 c 32 § 1: "Section 1 of this act shall take effect September 1, 1981." [1980 c 32 § 2.]

RCW 43.79.435 Investment reserve account abolished--Deposit of moneys.

The investment reserve account is hereby abolished. All moneys in the investment reserve account on *the effective date of this act shall be deposited in the general fund.

[1981 c 242 § 4.]

Notes:

***Reviser's note:** For "the effective date of this act," see note following RCW 43.79.330.
Effective dates--1981 c 242: See note following RCW 43.79.330.

RCW 43.79.440 Loan principal and interest fund.

In order to alleviate temporary cash flow deficiencies in the general fund, it has been and will continue to be necessary to borrow funds through issuance of certificates of indebtedness and to pay interest costs on outstanding certificates of indebtedness and to retire the principal thereof. In order to account for the interest cost of the loans and to pay the principal thereof, there is hereby created in the state treasury the loan principal and interest fund. All principal and

interest payments required on certificates of indebtedness will be withdrawn from any general state revenues in the treasury and deposited in the loan principal and interest fund at the time or times required by the terms thereof and such loan principal and interest shall be paid from the loan principal and interest fund according to the terms and schedules established for such certificates.

[1983 c 189 § 8.]

Notes:

Severability--1983 c 189: See note following RCW 82.24.260.

RCW 43.79.441 Transfer of moneys from certain school bond and state building construction accounts and funds to general fund--Payment of warrants.

After July 24, 1983, all moneys to the credit of any fund or account described in the sections being repealed by sections 1 and 4, chapter 189, Laws of 1983 and all moneys thereafter paid to the state treasurer for or to the credit of such fund or account shall be transferred to the general fund. After July 24, 1983, any warrant drawn on any fund or account described in the sections being repealed by sections 1 and 4, chapter 189, Laws of 1983 and not presented for payment shall be paid from the general fund, and the state treasurer shall pay such warrants when presented from the general fund.

[1983 c 189 § 5.]

Notes:

Severability--1983 c 189: See note following RCW 82.24.260.

RCW 43.79.442 Transfer of moneys from certain highway construction accounts and funds to general fund--Payment of warrants.

After July 24, 1983, all moneys to the credit of any fund or account described in the sections being repealed by section 6, chapter 189, Laws of 1983 and all moneys thereafter paid to the state treasurer for or to the credit of such fund or account shall be transferred to the motor vehicle fund. After July 24, 1983, any warrant drawn on any fund or account described in the sections being repealed by section 6, chapter 189, Laws of 1983 and not presented for payment shall be paid from the motor vehicle fund, and the state treasurer shall pay such warrants when presented from the motor vehicle fund.

[1983 c 189 § 7.]

Notes:

Severability--1983 c 189: See note following RCW 82.24.260.

RCW 43.79.445 Death investigations account--Disbursal.

There is established an account in the state treasury referred to as the "death

investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the University of Washington to fund the state forensic pathology fellowship program, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 1997-99 biennium for the purposes of state-wide child mortality reviews administered by the department of health.

The University of Washington and the Washington state forensic investigations council shall jointly determine the yearly amount for the state forensic pathology fellowship program established by RCW 28B.20.426.

[1997 c 454 § 901; 1995 c 398 § 9; 1991 sp.s. c 13 § 21; 1991 c 176 § 4; 1986 c 31 § 2; 1985 c 57 § 41; 1983 1st ex.s. c 16 § 18.]

Notes:

Severability--1997 c 454: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 454 § 1801.]

Effective date--1997 c 454: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 20, 1997]." [1997 c 454 § 1802.]

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1986 c 31: See note following RCW 28B.20.426.

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--Effective date--1983 1st ex.s. c 16: See RCW 43.103.900 and 43.103.901.

RCW 43.79.455 Capitol purchase and development account.

The capitol purchase and development account is hereby created in the state treasury.

[1987 c 350 § 2.]

Notes:

Effective date--1987 c 350: See note following RCW 79.24.580.

RCW 43.79.460 Savings incentive account--Report to legislative committees.

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be

credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of fiscal [financial] management, after consulting with the legislative fiscal committees, shall report to the treasurer the amount of savings incentives achieved. By December 1, 1998, and each December 1st thereafter, the office of financial management shall submit a report to the fiscal committees of the legislature on the implementation of this section. The report shall (a) evaluate the impact of this section on agency reversions and end-of-biennium expenditure patterns, and (b) itemize agency expenditures from the savings recovery account.

[1998 c 302 § 1; 1997 c 261 § 1.]

Notes:

Effective date--1997 c 261: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 6, 1997]." [1997 c 261 § 3.]

RCW 43.79.465 Education savings account.

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.10.868; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.10.882; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely

for (a) common school construction projects that are eligible for funding from the common school construction account, (b) technology improvements in the common schools, and (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions.

[2001 2nd sp.s. c 7 § 917; 1998 c 302 § 2; 1997 c 261 § 2. Formerly RCW 28A.305.235.]

NOTES:

Severability--Effective date--2001 2nd sp.s. c 7: See notes following RCW 43.320.110.

Effective date--1997 c 261: See note following RCW 43.79.460.

RCW 43.79.480 Tobacco settlement account--Tobacco prevention and control account.

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the tobacco prevention and control account for purposes set forth in this section.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation.

(4) The state treasurer shall transfer one hundred million dollars from the tobacco settlement account to the tobacco prevention and control account upon authorization of the director of financial management. The director shall authorize transfer of the total amount by June 30, 2001.

[1999 c 309 § 927.]

NOTES:

Effective dates--1999 c 309 §§ 927-929, 931, and 1101-1902: "(1) Sections 927, 928, 931, and 1101 through 1902 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 14, 1999].

(2) Section 929 of this act takes effect September 1, 2000." [1999 c 309 § 2002.]

Severability--1999 c 309: See note following RCW 41.06.152.

**Chapter 43.79A RCW
TREASURER'S TRUST FUND**

Sections

| | |
|------------|---|
| 43.79A.010 | Purpose. |
| 43.79A.020 | Treasurer's trust fund--Created--Nontreasury trust funds to be placed in--Exceptions. |
| 43.79A.030 | Segregation--Withdrawals. |
| 43.79A.040 | Management--Income--Investment income account--Distribution. |

Notes:

Investment accounting: RCW 43.33A.180.

RCW 43.79A.010 Purpose.

This chapter shall apply to all trust funds which are in the official custody of the state treasurer but are not required by law to be maintained in the state treasury. The purpose of this chapter is to establish a system for the centralized management, protection and control of such funds, hereinafter referred to as nontreasury trust funds, and to assure their investment in such a manner as to realize the maximum possible return consistent with safe and prudent fiscal management.

[1973 1st ex.s. c 15 § 1.]

RCW 43.79A.020 Treasurer's trust fund--Created--Nontreasury trust funds to be placed in--Exceptions.

There is created a trust fund outside the state treasury to be known as the "treasurer's trust fund." All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973, shall be placed in the treasurer's trust fund and be subject to the terms of this chapter. Funds of the state department of transportation shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the department. In order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable. Except for department of transportation trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer. All income received from the treasurer's trust fund investments shall be deposited in the investment income account pursuant to RCW 43.79A.040.

[1991 sp.s. c 13 § 81; 1984 c 7 § 47; 1973 1st ex.s. c 15 § 2.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 43.79A.030 Segregation--Withdrawals.

The state treasurer shall be responsible for maintaining segregated accounts of moneys of each fund which is deposited in the treasurer's trust fund. Except as provided by law, all money deposited in the treasurer's trust fund shall be held in trust by the state treasurer and may be withdrawn only upon the order of the depositing agency or its disbursing officer.

[1973 1st ex.s. c 15 § 3.]

RCW 43.79A.040 Management--Income--Investment income account--Distribution.

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

[2001 c 201 § 4; 2001 c 184 § 4; 2000 c 79 § 45. Prior: 1999 c 384 § 8; 1999 c 182 § 2; 1998 c 268 § 1; prior: 1997 c 368 § 8; 1997 c 289 § 13; 1997 c 220 § 221 (Referendum Bill No. 48, approved June 17, 1997); 1997 c 140 § 6; 1997 c 94 § 3; 1996 c 253 § 409; prior: 1995 c 394 § 2; 1995 c 365 § 1; prior: 1993 sp.s. c 8 § 2; 1993 c 500 § 5; 1991 sp.s. c 13 § 82; 1973 1st ex.s. c 15 § 4.]

NOTES:

Reviser's note: This section was amended by 2001 c 184 § 4 and by 2001 c 201 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

- Effective date--Severability--2000 c 79:** See notes following RCW 48.04.010.
Intent--Captions not law--1999 c 384: See notes following RCW 43.330.200.
Findings--Intent--Rules adoption--Severability--Effective date--1997 c 368: See notes following RCW 82.08.810.
Referendum--Other legislation limited--Legislators' personal intent not indicated--Reimbursements for election--Voters' pamphlet, election requirements--1997 c 220: See RCW 36.102.800 through 36.102.803.
Part headings not law--Severability--1997 c 220: See RCW 36.102.900 and 36.102.901.
Intent--1997 c 140: See note following RCW 47.12.330.
Effective date--1997 c 94: See note following RCW 47.04.210.
Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 28B.109.010.
Effective date--1995 c 394: See note following RCW 43.84.092.
Effective date--1995 c 365: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995." [1995 c 365 § 2.]
Effective date--Application--1993 sp.s. c 8: See note following RCW 43.84.092.
Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.
Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Chapter 43.80 RCW FISCAL AGENCIES

Sections

- 43.80.100 Definitions.
43.80.110 Appointment of fiscal agencies--Location--Places for payment of bonds.
43.80.120 Designation of fiscal agencies--Qualifications--Duration of designation--Compensation.
43.80.125 Appointment of fiscal agencies in connection with registered bonds--Contracting of services.
43.80.130 Receipts--Payment procedure--Cremation--Certificate of destruction.
43.80.140 Notice of establishment of fiscal agencies--Publication--Bonds and coupons paid at fiscal agencies.
43.80.150 Treasurers not responsible for funds remitted.
43.80.160 Return of funds remitted to redeem bonds and coupons which remain unredeemed.
43.80.900 Effective date--1969 ex.s. c 80.

Notes:

Highway bonds, registration: Chapter 47.10 RCW.

Registration of bonds with, fee: RCW 39.44.130.

State treasurer, fiscal agent of the state: RCW 43.08.090.

Trust companies, power to act as fiscal agent for public bodies: RCW 30.08.150.

RCW 43.80.100 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Fiscal agencies" means those banks or trust companies as designated in RCW 43.80.110 and 43.80.120.

(2) "Subdivision" means governmental agencies, counties, cities and towns, metropolitan

municipal corporations, port districts, school districts, townships, public colleges and universities, public community colleges, municipal corporations, quasi municipal corporations, and all other such governmental agencies authorized to borrow and issue tenders of indebtedness therefor. Subdivision does not mean housing authorities and public utility districts.

(3) "Cremation" means the destruction of canceled bonds or coupons by any approved method, including but not limited to, cremation facilities, incineration facilities, shredding facilities, or dissolving in acid facilities.

[1984 c 7 § 48; 1969 ex.s. c 80 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 43.80.110 Appointment of fiscal agencies--Location--Places for payment of bonds.

Fiscal agencies shall be appointed for the payment of bonds and any coupons issued by this state or by any subdivision thereof. The appointed fiscal agencies may be located in any major city of the country. No bonds hereafter issued by this state or by any affected subdivision thereof, shall be by their terms made payable at a specific place other than: (1) The office of the designated fiscal agencies; (2) offices of the state or local treasurers or fiscal offices of any affected subdivision; or (3) the offices of trustees if provided for in the indenture, as provided for by the terms of the bonds. As used in this chapter, bonds do not include short-term obligations. Fiscal agencies may be authorized to register bonds in accordance with RCW 39.46.030.

Bonds and any coupons of subdivisions may be paid at one or more of the state's fiscal agents and/or at the office of the state treasurer or offices of local treasurers as provided for in the terms of the bonds.

[1983 c 167 § 117; 1982 c 216 § 1; 1969 ex.s. c 80 § 2.]

Notes:

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.
Issuance of short-term obligations by municipal corporations: Chapter 39.50 RCW.

RCW 43.80.120 Designation of fiscal agencies--Qualifications--Duration of designation--Compensation.

The state finance committee shall designate responsible banks or trust companies as fiscal agencies, each having a paid-up capital and surplus of not less than five million dollars. The state finance committee shall designate fiscal agencies by any method deemed appropriate to the best interests of this state and its subdivisions.

The state finance committee shall make duplicate certificates of such designations, cause them to be attested under the seal of the state, and file one copy of each certification in the office of the secretary of state and transmit the other to the bank or trust company designated.

The banks or trust companies so designated shall continue to be such fiscal agencies for

the term of four years from and after the filing of the certificate of its designation, and thereafter until the designation of other banks or trust companies as such fiscal agencies.

Until successors have been appointed, the banks or trust companies named shall act as the fiscal agencies of the state of Washington in accordance with such terms as shall be agreed upon between the state finance committee and the fiscal agencies so designated. The manner and amount of compensation of the fiscal agents shall be matters specifically left for the state finance committee to determine.

If no such banks or trust companies are willing to accept appointment as fiscal agencies, or if the state finance committee considers unsatisfactory the terms under which such banks or trust companies are willing so to act, the bonds and bond interest coupons normally payable at the fiscal agency, shall thereupon become payable at the state treasury or at the office of the treasurer or fiscal officer of the subdivision concerned, as the case may be.

[1969 ex.s. c 80 § 3.]

RCW 43.80.125 Appointment of fiscal agencies in connection with registered bonds--Contracting of services.

(1) The fiscal agencies designated pursuant to RCW 43.80.110 and 43.80.120 may be appointed by the state treasurer or a local treasurer to act as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the issuance by the state or local government of registered bonds or other obligations pursuant to a system of registration as provided by RCW 39.46.030 and may establish and maintain on behalf of the state or local government a central depository system for the transfer or pledge of bonds or other obligations. The term "local government" shall be as defined in RCW 39.46.020.

(2) Whenever in the judgment of the fiscal agencies, certain services as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the establishment and maintenance of a central depository system for the transfer or pledge of registered public obligations, or in connection with the issuance by any public entity of registered public obligations pursuant to a system of registration as provided in chapter 39.46 RCW, can be secured from private sources more economically than by carrying out such duties themselves, they may contract out all or any of such services to such private entities as such fiscal agencies deem capable of carrying out such duties in a responsible manner.

[1995 c 38 § 10; 1994 c 301 § 14; 1985 c 84 § 3; 1983 c 167 § 11.]

Notes:

Acts of municipal officers ratified and confirmed--1995 c 38: See note following RCW 3.02.045.

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.

RCW 43.80.130 Receipts--Payment procedure--Cremation--Certificate of destruction.

The fiscal agencies, on the receipt of any moneys transmitted to them by or for this state, or for any affected subdivision, for the purpose of paying therewith any of its bonds or coupons by their terms made payable at the situs of the state of Washington fiscal agencies, shall transmit

forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the fiscal agencies at or after the maturity thereof, in the order of their presentation insofar as the moneys received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state or affected subdivisions which issued them; and, concerning the same, report to the state and/or affected subdivision within thirty days following a maturity date the amount of bonds and coupons presented and paid to that date: PROVIDED, That nothing herein shall prevent the state or any of the subdivisions thereof from designating its fiscal agencies, or the trustee of any revenue bond issue, or both, also as its agencies for cremation and to provide by agreement therewith, that after one year any general or revenue obligation bonds or interest coupons that have been canceled or paid, may be destroyed as directed by the proper officers of the state or other subdivisions hereinbefore mentioned: PROVIDED FURTHER, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state or local subdivisions as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the trustee of any revenue bond issue, and the canceled instruments or certificates of transmittal thereafter have been forwarded to said treasurer for recording, such canceled instruments may be forwarded to the fiscal agents designated as agents for cremation for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such canceled instruments in the presence of the public officers or boards or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinbefore specified: PROVIDED, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the instruments destroyed, which certificates shall be filed with those of the agencies for cremation herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the issue or series described thereon shall have matured and been paid or canceled.

[1969 ex.s. c 80 § 4.]

RCW 43.80.140 Notice of establishment of fiscal agencies--Publication--Bonds and coupons paid at fiscal agencies.

The state finance committee shall, immediately after the establishment of fiscal agencies, publish a notice thereof, once a week for two consecutive weeks, in some financial newspaper of general circulation in cities designated as headquarters of the fiscal agents. All bonds and coupons of this state or of any affected subdivision thereafter issued shall be paid at the designated fiscal agencies or at such other place as allowed by law and provided for in the bonds.

[1969 ex.s. c 80 § 5.]

RCW 43.80.150 Treasurers not responsible for funds remitted.

Neither the state treasurer nor the treasurer or other fiscal officer of any subdivision thereof shall be held responsible for funds remitted to the fiscal agencies.

[1969 ex.s. c 80 § 6.]

RCW 43.80.160 Return of funds remitted to redeem bonds and coupons which remain unredeemed.

Upon the written request of the state or local treasurer, after a period of one year after the last legal payment date on matured bonds of the state of Washington and of its subdivisions, the funds remitted to fiscal agencies to redeem coupons and bonds which are subsequently unredeemed by the holders of the bonds and coupons, shall herewith be returned to the state treasurer or the local treasurer as the case may be. The state or local treasurer shall remain obligated for the final redemption of the unredeemed bonds or coupons.

[1969 ex.s. c 80 § 7.]

RCW 43.80.900 Effective date--1969 ex.s. c 80.

This act shall take effect on April 1, 1971, or at such time that the present fiscal agent agreement, contracted through April 1, 1971, is abrogated.

[1969 ex.s. c 80 § 8.]

**Chapter 43.81 RCW
STATE-OWNED LIVING FACILITIES**

Sections

- | | |
|-----------|--|
| 43.81.010 | Legislative declaration. |
| 43.81.020 | Availability of state-owned or leased living facilities. |
| 43.81.030 | Rent--Custodial housekeeping--Damages. |
| 43.81.040 | Maintenance in safe, healthful condition. |

RCW 43.81.010 Legislative declaration.

The legislature recognizes that significant benefits accrue to the state and that certain types of state operations are more efficient when personnel services are available on an extended basis. Such operations include certain types of facilities managed by agencies such as the departments of natural resources, corrections, fish and wildlife, social and health services, transportation, and veterans affairs, and the parks and recreation commission.

The means of assuring that such personnel are available on an extended basis is through the establishment of on-site state-owned or leased living facilities. The legislature also

recognizes the restrictions and hardship placed upon those personnel who are required to reside in such state-owned or leased living facilities in order to provide extended personnel services.

The legislature further recognizes that there are instances where it is to the benefit of the state to have state-owned or leased living facilities occupied even though such occupancy is not required by the agency as a condition of employment.

[1994 c 264 § 27; 1988 c 36 § 19; 1985 c 463 § 1.]

RCW 43.81.020 Availability of state-owned or leased living facilities.

(1) Whenever an agency requires that an employee reside in state-owned or leased living facilities as a condition of employment, such living facilities shall be made available to the employee under the conditions set forth in RCW 43.81.030 and 43.81.040.

(2) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) it would be to the agency's benefit to have the facility occupied by an employee of the agency whose duties involve extended personnel services associated with the work site upon which the living facility is located or at work site near to where the living facility is located, the agency may make the facility available to such employee.

(3) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) the facility has been made available to employees under subsection (2) of this section and that no such employees have opted to reside in the facility, the agency may make the facility available for occupancy to other interested parties.

[1985 c 463 § 2.]

RCW 43.81.030 Rent--Custodial housekeeping--Damages.

(1) No rent may be charged to persons living in facilities provided under RCW 43.81.020(1). Such employees shall pay the costs of utilities associated with the living facility.

(2) Any person occupying state-owned or leased living facilities shall do so with the understanding that he or she assumes custodial housekeeping responsibility as directed by the agency. Such responsibility shall not include maintenance, repairs, or improvements to the facilities. An occupant of a state-owned or leased facility is liable for damages to the facility in excess of normal wear and tear.

[1989 c 11 § 16; 1985 c 463 § 3.]

Notes:

Severability--1989 c 11: See note following RCW 9A.56.220.

RCW 43.81.040 Maintenance in safe, healthful condition.

The state shall maintain living facilities occupied under RCW 43.81.020 in a safe,

healthful condition.

[1985 c 463 § 4.]

Chapter 43.82 RCW STATE AGENCY HOUSING

Sections

| | |
|-----------|--|
| 43.82.010 | Acquisition, lease, and disposal of real estate for state agencies--Long-range planning--Use of lease as collateral or security--Colocation and consolidation--Studies--Delegation of functions--Exemptions. |
| 43.82.020 | Approval by capitol committee when real estate located in Thurston county. |
| 43.82.030 | Acquisition of property and rights declared public use--Eminent domain. |
| 43.82.110 | Lease of space--Surplus space. |
| 43.82.120 | General administration services account--Rental income. |
| 43.82.125 | Authorized uses for general administration services account. |
| 43.82.130 | Powers and duties of director. |
| 43.82.140 | Insurance on buildings. |
| 43.82.150 | Inventory of state-owned or leased facilities--Report. |
| 43.82.160 | Plant operation and support program--Information and technical assistance--Voluntary charges and fees. |

Notes:

Agricultural commodity commissions exempt: RCW 15.04.200.

RCW 43.82.010 Acquisition, lease, and disposal of real estate for state agencies--Long-range planning--Use of lease as collateral or security--Colocation and consolidation--Studies--Delegation of functions--Exemptions.

(1) The director of general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general

administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the collocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for collocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for collocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a collocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact collocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures

for implementing colocation and consolidation of state facilities.

(7) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(13) This section does not apply to the acquisition of real estate by:

- (a) The state college and universities for research or experimental purposes;
- (b) The state liquor control board for liquor stores and warehouses; and
- (c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(14) Notwithstanding any provision in this chapter to the contrary, the department of

general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

[1997 c 117 § 1. Prior: 1994 c 264 § 28; 1994 c 219 § 7; 1990 c 47 § 1; 1988 c 36 § 20; 1982 c 41 § 1; 1969 c 121 § 1; 1967 c 229 § 1; 1965 c 8 § 43.82.010; prior: 1961 c 184 § 1; 1959 c 255 § 1.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

Effective dates--1982 c 41: "This act shall take effect July 1, 1982, with the exception of section 2 of this act, which shall take effect July 1, 1983." [1982 c 41 § 3.]

Departments to share occupancy costs--Capital projects surcharge: RCW 43.01.090.

East capitol site, acquisition and development: RCW 79.24.500 through 79.24.530.

Public works: Chapter 39.04 RCW.

Use of general administration services account in acquiring real estate: RCW 43.19.500.

RCW 43.82.020 Approval by capitol committee when real estate located in Thurston county.

The acquisition of real estate, and use thereof, shall be subject to the approval of the state capitol committee when the real estate is located in Thurston county.

[1965 c 8 § 43.82.020. Prior: 1961 c 184 § 2; 1959 c 255 § 2.]

RCW 43.82.030 Acquisition of property and rights declared public use--Eminent domain.

The acquisition of any real property or any rights or interests therein for the purpose of this chapter is hereby declared to be for a public use. In furtherance of the purposes of this chapter, the right of eminent domain may be exercised as provided for in chapter 8.04 RCW.

[1965 c 8 § 43.82.030. Prior: 1959 c 255 § 3.]

RCW 43.82.110 Lease of space--Surplus space.

All office or other space made available through the provisions of this chapter shall be leased by the director to such state or federal agencies, for such rental, and on such terms and conditions as he or she deems advisable: PROVIDED, HOWEVER, If space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he or she may prescribe.

[1994 c 219 § 13; 1969 c 121 § 2; 1965 c 8 § 43.82.110. Prior: 1961 c 184 § 4; 1959 c 255 § 11.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.82.120 General administration services account--Rental income.

All rental income collected by the department of general administration from rental of state buildings shall be deposited in the general administration services account.

[1998 c 105 § 14; 1994 c 219 § 14; 1965 c 8 § 43.82.120. Prior: 1961 c 184 § 5; 1959 c 255 § 12.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.82.125 Authorized uses for general administration services account.

The general administration services account shall be used to pay all costs incurred by the department in the operation of real estate managed under the terms of this chapter. Moneys received into the general administration services account shall be used to pay rent to the owner of the space for occupancy of which the charges have been made and to pay utility and operational costs of the space utilized by the occupying agency: PROVIDED, That moneys received into the account for occupancy of space owned by the state where utilities and other operational costs are covered by appropriation to the department of general administration shall be immediately transmitted to the general fund.

[1998 c 105 § 15; 1965 c 8 § 43.82.125. Prior: 1961 c 184 § 6.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

RCW 43.82.130 Powers and duties of director.

The director of the department of general administration is authorized to do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this chapter.

[1965 c 8 § 43.82.130. Prior: 1959 c 255 § 13.]

RCW 43.82.140 Insurance on buildings.

The director may, in his discretion, obtain fire or other hazard insurance on any building under his management.

[1965 c 8 § 43.82.140. Prior: 1961 c 184 § 7.]

RCW 43.82.150 Inventory of state-owned or leased facilities--Report.

(1) The office of financial management shall develop and maintain an inventory system to account for all owned or leased facilities utilized by state government. At a minimum, the inventory system must include the location, type, condition, and size of each facility. In addition, for owned facilities, the inventory system must include the date and cost of original construction

and the cost of any major remodelling or renovation. The inventory must be updated by June 30 of each year. The office of financial management shall publish a report summarizing information contained in the inventory system for each agency by October 1 of each year, beginning in 1997.

(2) All agencies, departments, boards, commissions, and institutions of the state of Washington shall provide to the office of financial management a complete inventory of owned and leased facilities by May 30, 1994. The inventory must be updated and submitted to the office of financial management by May 30 of each subsequent year. The inventories required under this subsection must be submitted in a standard format prescribed by the office of financial management.

(3) For the purposes of this section, "facilities" means buildings and other structures with walls and a roof. "Facilities" does not mean roads, bridges, parking areas, utility systems, and other similar improvements to real property.

[1997 c 96 § 2; 1993 c 325 § 1.]

Notes:

Findings--Purpose--1997 c 96: "The legislature finds that the capital stock of facilities owned by state agencies represents a significant financial investment by the citizens of the state of Washington, and that providing agencies with the tools and incentives needed to adequately maintain state facilities is critically important to realizing the full value of this investment. The legislature also finds that ongoing reporting of facility inventory, condition, and maintenance information by agencies will improve accountability and assist in the evaluation of budget requests and facility management by the legislature and governor. The purpose of this act is to ensure that recent enhancements to facility and maintenance reporting systems implemented by the office of financial management, and a new program created by the department of general administration to provide maintenance information and technical assistance to state and local agencies, are sustained into the future." [1997 c 96 § 1.]
Historic properties: RCW 27.34.310.

RCW 43.82.160 Plant operation and support program--Information and technical assistance--Voluntary charges and fees.

The department of general administration shall provide information, technical assistance, and consultation on physical plant operation and maintenance issues to state and local governments through the operation of a plant operation and support program. The program shall be funded by voluntary subscription charges and service fees.

[1997 c 96 § 3.]

Notes:

Findings--Purpose--1997 c 96: See note following RCW 43.82.150.

**Chapter 43.83 RCW
CAPITAL IMPROVEMENTS**

Sections

1959-1961 BOND ISSUE

Revised Code of Washington 2001

- 43.83.010 Limited obligation bonds--Authorized--Issuance, sale, form, payment, etc.--Continuation of tax levy.
- 43.83.020 Limited obligation bonds--Proceeds to be deposited in state building construction account--Use.
- 43.83.030 Limited obligation bonds--Retirement from state building construction bond redemption fund--Retail sales tax collections, continuation of levy.
- 43.83.040 Limited obligation bonds--Legislature may provide additional means of raising revenue.
- 43.83.050 Limited obligation bonds--Bonds are negotiable, legal investment and security.

1961-1963 BOND ISSUE

- 43.83.060 Limited obligation bonds--Authorized--Issuance, sale, form, payment, etc.--Continuation of tax levy.
- 43.83.062 Limited obligation bonds--Proceeds to be deposited in state building construction account--Use.
- 43.83.064 Limited obligation bonds--Retirement from state building construction bond redemption fund--Retail sales tax collections, continuation of levy.
- 43.83.066 Limited obligation bonds--Legislature may provide additional means of raising revenue.
- 43.83.068 Limited obligation bonds--Bonds are negotiable, legal investment and security.

1965-1967 BOND ISSUE

- 43.83.070 General obligation bonds--Authorized--Issuance, sale, form, payment, etc.
- 43.83.074 General obligation bonds--Retirement from state building and higher education bond redemption fund--Retail sales tax collections, continuation of levy.
- 43.83.076 General obligation bonds--Legislature may provide additional means of raising revenue.
- 43.83.078 General obligation bonds--Legal investment for state and local funds.
- 43.83.082 General obligation bonds--Capital improvement and capital project defined.
- 43.83.084 General obligation bonds--Referral to electorate.

1967-1969 BOND ISSUE

- 43.83.090 General obligation bonds--Authorized--Issuance, sale, form, payment, etc.
- 43.83.094 General obligation bonds--Retirement from state building and higher education bond redemption fund--Retail sales tax collections, continuation of levy.
- 43.83.096 General obligation bonds--Legislature may provide additional means of raising revenue.
- 43.83.098 General obligation bonds--Legal investment for state and local funds.
- 43.83.102 General obligation bonds--Capital improvement and capital project defined.
- 43.83.104 General obligation bonds--Referral to electorate.

1973 BOND ISSUE

- 43.83.110 General obligation bonds--Authorized--Issuance--Payment.
- 43.83.112 General obligation bonds--Powers and duties of state finance committee.
- 43.83.114 General obligation bonds--Anticipation notes--Proceeds.
- 43.83.116 General obligation bonds--Administration of proceeds from sale.
- 43.83.118 General obligation bonds--Payment from bond redemption fund--Procedure--General obligation of state.
- 43.83.120 General obligation bonds--Charges against state agencies to reimburse state general fund.
- 43.83.122 General obligation bonds--Legislature may provide additional means for payment.
- 43.83.124 General obligation bonds--Legal investment for state and other public bodies.
- 43.83.126 Severability--1973 1st ex.s. c 217.

1975 BOND ISSUE

- 43.83.130 General obligation bonds--Authorized--Issuance--Payment.
- 43.83.132 General obligation bonds--Powers and duties of state finance committee.
- 43.83.134 General obligation bonds--Anticipation notes--Proceeds.
- 43.83.136 General obligation bonds--Administration of proceeds from sale.
- 43.83.138 General obligation bonds--Payment from bond redemption fund--Procedure.
- 43.83.140 General obligation bonds--General obligation of state.
- 43.83.142 General obligation bonds--Charges against state agencies to reimburse state general fund.
- 43.83.144 General obligation bonds--Legislature may provide additional means for payment.
- 43.83.146 General obligation bonds--Legal investment for state and other public bodies.
- 43.83.148 Severability--1975 1st ex.s. c 249.

1979 BOND ISSUE

- 43.83.150 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
- 43.83.152 Form, terms, conditions, etc., of bonds.
- 43.83.154 Bond anticipation notes--Deposit of proceeds of bonds and notes in state building construction account and state general obligation bond retirement fund.
- 43.83.156 Administration of proceeds.
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- 43.83.162 Separate accounting records required for each issue of bonds.
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- 43.83.166 Legislature may provide additional means for payment of bonds.
- 43.83.168 Bonds legal investment for public funds.
- 43.83.170 Severability--1979 ex.s. c 230.

1981 BOND ISSUE

- 43.83.172 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.
- 43.83.174 Deposit of proceeds in state building construction account--Use.
- 43.83.176 Administration of proceeds.
- 43.83.178 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83.180 Legislature may provide additional means for payment of bonds.
- 43.83.182 Bonds legal investment for public funds.

1983 BOND ISSUE

- 43.83.184 General obligation bonds--Authorized--Issuance--Appropriation required.
- 43.83.186 Deposit of proceeds in state building construction account--Use.
- 43.83.188 Administration of proceeds.
- 43.83.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83.192 Legislature may provide additional means for payment of bonds.
- 43.83.194 Bonds legal investment for public funds.
- 43.83.196 Severability--1983 1st ex.s. c 54.

1984 BOND ISSUE

- 43.83.198 General obligation bonds--Authorized--Issuance--Price--Appropriation required.
- 43.83.200 Deposit of proceeds in state building construction account--Use.
- 43.83.202 Administration of proceeds.
- 43.83.204 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83.206 Legislature may provide additional means for payment of bonds.
- 43.83.208 Bonds legal investment for public funds.
- 43.83.210 Severability--1984 c 271.

Notes:

Indian cultural and educational facility bond issue: Chapter 37.14 RCW.

Washington State University Tree Fruit Research Center office-laboratory facility, financing: RCW 28B.30.600 through 28B.30.619.

1959-1961 BOND ISSUE

RCW 43.83.010 Limited obligation bonds--Authorized--Issuance, sale, form, payment, etc.--Continuation of tax levy.

For the purpose of furnishing funds to finance projects in the 1959-1961 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of ten million eighty-nine thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.010 through 43.83.050 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

[1965 c 8 § 43.83.010. Prior: 1959 ex.s. c 9 § 1.]

RCW 43.83.020 Limited obligation bonds--Proceeds to be deposited in state building construction account--Use.

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

[1991 sp.s. c 13 § 46; 1987 1st ex.s. c 3 § 9; 1985 c 57 § 43; 1965 c 8 § 43.83.020. Prior: 1959 ex.s. c 9 § 2.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Severability--1987 1st ex.s. c 3: See RCW 43.99G.901.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83.030 Limited obligation bonds--Retirement from state building construction bond redemption fund--Retail sales tax collections, continuation of levy.

Retirement of the bonds and interest authorized by RCW 43.83.010 through 43.83.050 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June 30th of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.010 through 43.83.050. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229 and 230, Laws of 1949, and chapter 298, Laws of 1957. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.010 through 43.83.050, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.010 through 43.83.050 shall have been paid.

[1975 1st ex.s. c 278 § 26; 1965 c 8 § 43.83.030. Prior: 1959 ex.s. c 9 § 3.]

Notes:

Reviser's note: Chapter 298, Laws of 1957 and chapter 230, Laws of 1949 referred to herein were codified in chapter 72.99 RCW. The sections in chapter 72.99 RCW were repealed by 1983 c 189 § 4 and by 1979 c 67 § 18. Chapter 229, Laws of 1949 was codified in chapter 28A.47 RCW, which has been recodified as chapter 28A.525 RCW.

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.83.040 Limited obligation bonds--Legislature may provide additional means of raising revenue.

The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.010 through 43.83.050 and RCW 43.83.010 through 43.83.050 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

[1965 c 8 § 43.83.040. Prior: 1959 ex.s. c 9 § 4.]

RCW 43.83.050 Limited obligation bonds--Bonds are negotiable, legal investment and security.

The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

[1965 c 8 § 43.83.050. Prior: 1959 ex.s. c 9 § 5.]

1961-1963 BOND ISSUE

RCW 43.83.060 Limited obligation bonds--Authorized--Issuance, sale, form, payment, etc.--Continuation of tax levy.

For the purpose of furnishing funds to finance projects in the 1961-1963 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-seven million five hundred fifty-six thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.060 through 43.83.068 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may

authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto: PROVIDED, That any bonds issued under authority of RCW 43.83.060 through 43.83.068 for the purpose of financing the construction of the correctional institution authorized by chapter 214, Laws of 1959, shall be so identified and shall be subject to call prior to the maturity date thereof. Such bonds shall be payable at such places as the state finance committee may provide. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, other than those governed by the proviso in this section, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call.

[1965 c 8 § 43.83.060. Prior: 1961 ex.s. c 23 § 1.]

RCW 43.83.062 Limited obligation bonds--Proceeds to be deposited in state building construction account--Use.

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1961, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

[1965 c 8 § 43.83.062. Prior: 1961 ex.s. c 23 § 2.]

RCW 43.83.064 Limited obligation bonds--Retirement from state building construction bond redemption fund--Retail sales tax collections, continuation of levy.

Retirement of the bonds and interest authorized by RCW 43.83.060 through 43.83.068 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.060 through 43.83.068. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.060 through 43.83.068, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.060 through 43.83.068 shall have been paid.

[1975 1st ex.s. c 278 § 27; 1965 c 8 § 43.83.064. Prior: 1961 ex.s. c 23 § 3.]

Notes:

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.83.066 Limited obligation bonds--Legislature may provide additional means of raising revenue.

The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.060 through 43.83.068 and RCW 43.83.060 through 43.83.068 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

[1965 c 8 § 43.83.066. Prior: 1961 ex.s. c 23 § 4.]

RCW 43.83.068 Limited obligation bonds--Bonds are negotiable, legal investment and security.

The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

[1965 c 8 § 43.83.068. Prior: 1961 ex.s. c 23 § 5.]

1965-1967 BOND ISSUE

RCW 43.83.070 General obligation bonds--Authorized--Issuance, sale, form, payment, etc.

For the purpose of providing needed capital improvements for the institutions of higher education, the department of institutions, the department of natural resources and other state agencies, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of forty million five hundred seventy-five thousand dollars, or so much thereof as shall be required to finance the capital projects set forth in *RCW 43.83.080, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: PROVIDED, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide

that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1965 ex.s. c 172 § 1.]

Notes:

***Reviser's note:** RCW 43.83.080 was repealed by 1979 ex.s. c 67 § 18.

RCW 43.83.074 General obligation bonds--Retirement from state building and higher education bond redemption fund--Retail sales tax collections, continuation of levy.

The state building and higher education bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.070 through 43.83.084. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in said state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

[1975 1st ex.s. c 278 § 28; 1965 ex.s. c 172 § 3.]

Notes:

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.83.076 General obligation bonds--Legislature may provide additional means of raising revenue.

The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 43.83.070 through 43.83.084 shall not be deemed to provide an exclusive method for such payment.

[1965 ex.s. c 172 § 4.]

RCW 43.83.078 General obligation bonds--Legal investment for state and local funds.

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1965 ex.s. c 172 § 5.]

RCW 43.83.082 General obligation bonds--Capital improvement and capital project defined.

The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

[1965 ex.s. c 172 § 7.]

RCW 43.83.084 General obligation bonds--Referral to electorate.

RCW 43.83.070 through 43.83.084 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

[1965 ex.s. c 172 § 8.]

1967-1969 BOND ISSUE

RCW 43.83.090 General obligation bonds--Authorized--Issuance, sale, form, payment, etc.

For the purpose of providing needed capital improvements for the department of general administration, the institutions of higher education and the department of institutions, the state finance committee is authorized to issue, at any time prior to January 1, 1972, general obligation bonds of the state of Washington in the sum of sixty-three million fifty-nine thousand dollars or so much thereof as shall be required to finance the capital projects set forth in *RCW 43.83.100, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: PROVIDED, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1967 ex.s. c 148 § 1.]

Notes:

*Reviser's note: RCW 43.83.100 was repealed by 1979 ex.s. c 67 § 18.

RCW 43.83.094 General obligation bonds--Retirement from state building and higher education bond redemption fund--Retail sales tax collections, continuation of levy.

The state building and higher education bond redemption fund is created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.090 through 43.83.104. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections; and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof which has been heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

[1975 1st ex.s. c 278 § 29; 1967 ex.s. c 148 § 3.]

Notes:

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.83.096 General obligation bonds--Legislature may provide additional means of raising revenue.

The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 43.83.090 through 43.83.104 shall not be deemed to provide an exclusive method for such payment.

[1967 ex.s. c 148 § 4.]

RCW 43.83.098 General obligation bonds--Legal investment for state and local funds.

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1967 ex.s. c 148 § 5.]

RCW 43.83.102 General obligation bonds--Capital improvement and capital project defined.

The words "capital improvement" or "capital project" used herein shall mean acquisition

of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

[1967 ex.s. c 148 § 7.]

RCW 43.83.104 General obligation bonds--Referral to electorate.

RCW 43.83.090 through 43.83.104 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1968, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

[1967 ex.s. c 148 § 8.]

Notes:

Reviser's note: RCW 43.83.090 through 43.83.104 was adopted and ratified by the people at the November 5, 1968, general election (Referendum Bill No. 19). Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

1973 BOND ISSUE

RCW 43.83.110 General obligation bonds--Authorized--Issuance--Payment.

For the purpose of acquiring land, funding and providing the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment, and facilities, of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-seven million dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.83.110 through 43.83.126 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1973 1st ex.s. c 217 § 1.]

RCW 43.83.112 General obligation bonds--Powers and duties of state finance committee.

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms,

conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide.

[1973 1st ex.s. c 217 § 2.]

RCW 43.83.114 General obligation bonds--Anticipation notes--Proceeds.

At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.83.110 through 43.83.126 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.110 through 43.83.126 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1973 1st ex.s. c 217 § 3.]

RCW 43.83.116 General obligation bonds--Administration of proceeds from sale.

The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration.

[1973 1st ex.s. c 217 § 4.]

RCW 43.83.118 General obligation bonds--Payment from bond redemption fund--Procedure--General obligation of state.

The state building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.83.110 through 43.83.126. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.83.110 through

43.83.126 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1973 1st ex.s. c 217 § 5.]

RCW 43.83.120 General obligation bonds--Charges against state agencies to reimburse state general fund.

In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes herein authorized, the director of general administration shall assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund.

[1973 1st ex.s. c 217 § 6.]

RCW 43.83.122 General obligation bonds--Legislature may provide additional means for payment.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.83.110 through 43.83.126 shall not be deemed to provide an exclusive method for such payment.

[1973 1st ex.s. c 217 § 7.]

RCW 43.83.124 General obligation bonds--Legal investment for state and other public bodies.

The bonds herein authorized shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1973 1st ex.s. c 217 § 8.]

RCW 43.83.126 Severability--1973 1st ex.s. c 217.

If any provision of this 1973 act, or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provision to other persons or

circumstances is not affected.

[1973 1st ex.s. c 217 § 9.]

1975 BOND ISSUE

RCW 43.83.130 General obligation bonds--Authorized--Issuance--Payment.

For the purpose of providing funds for the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, and fixed equipment of capital campus facilities and such other buildings and facilities as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms and such other state agencies as may be necessary, as provided in the capital appropriations act, chapter . . . , Laws of 1975 [chapter 276, Laws of 1975 1st ex. sess.], for such purposes, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the aggregate principal amount of six million four hundred thousand dollars or so much thereof as may be required to finance said projects, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

[1975 1st ex.s. c 249 § 1.]

RCW 43.83.132 General obligation bonds--Powers and duties of state finance committee.

The issuance, sale and retirement of said bonds as authorized in RCW 43.83.130 shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of such bonds and the conditions of sale and issuance thereof. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide.

[1975 1st ex.s. c 249 § 2.]

RCW 43.83.134 General obligation bonds--Anticipation notes--Proceeds.

At the time the state finance committee determines to issue such bonds as authorized in RCW 43.83.130 through 43.83.148 or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83.130 through 43.83.148 shall be

deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.130 through 43.83.148 and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in RCW 43.83.138.

[1975 1st ex.s. c 249 § 3.]

RCW 43.83.136 General obligation bonds--Administration of proceeds from sale.

The principal proceeds from the sale of the bonds or notes authorized in RCW 43.83.130 through 43.83.148 and deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation.

[1975 1st ex.s. c 249 § 4.]

RCW 43.83.138 General obligation bonds--Payment from bond redemption fund--Procedure.

The state building bond redemption fund, 1975, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds and notes authorized by RCW 43.83.130 through 43.83.148. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in such state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

[1975 1st ex.s. c 249 § 5.]

RCW 43.83.140 General obligation bonds--General obligation of state.

Bonds issued under the provisions of RCW 43.83.130 through 43.83.148 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds, by a mandamus or other appropriate proceeding, may require the transfer and payment of funds as directed herein.

[1975 1st ex.s. c 249 § 6.]

RCW 43.83.142 General obligation bonds--Charges against state agencies to reimburse state general fund.

In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes authorized in RCW 43.83.130 through 43.83.148, the director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user of any facility or other building as authorized in RCW 43.83.130 for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund.

[1975 1st ex.s. c 249 § 7.]

RCW 43.83.144 General obligation bonds--Legislature may provide additional means for payment.

The legislature may provide additional means for raising moneys for the payment of the principal of an interest on the bonds authorized in RCW 43.83.130 through 43.83.148, and RCW 43.83.130 through 43.83.148 shall not be deemed to provide an exclusive method for such payment.

[1975 1st ex.s. c 249 § 8.]

RCW 43.83.146 General obligation bonds--Legal investment for state and other public bodies.

The bonds authorized in RCW 43.83.130 through 43.83.148 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1975 1st ex.s. c 249 § 9.]

RCW 43.83.148 Severability--1975 1st ex.s. c 249.

If any provision of this 1975 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975 1st ex.s. c 249 § 10.]

1979 BOND ISSUE

RCW 43.83.150 General obligation bonds--Authorized--Issuance, sale,

terms--Appropriation required.

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twelve million five hundred thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83.150 through 43.83.170 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

[1985 ex.s. c 4 § 15; 1979 ex.s. c 230 § 1.]

Notes:

Severability--1985 ex.s. c 4: See RCW 43.99G.900.

RCW 43.83.152 Form, terms, conditions, etc., of bonds.

The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance, and redemption. None of the bonds authorized in RCW 43.83.150 through 43.83.170 shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of the bonds and notes, if any. The bonds shall be payable at such places as the committee may provide.

[1979 ex.s. c 230 § 2.]

RCW 43.83.154 Bond anticipation notes--Deposit of proceeds of bonds and notes in state building construction account and state general obligation bond retirement fund.

At the time the state finance committee determines to issue the bonds, or a portion thereof, it may, pending the issuance of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83.150 through 43.83.170 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.150 through 43.83.170 and for the payment of expenses incurred in the issuance and sale of the bonds: PROVIDED, That such portion of the proceeds

of the sale of the bonds as may be required for the payment of the principal of and interest on the anticipation notes as have been issued, shall be deposited in the state general obligation bond retirement fund created by RCW 43.83.160.

[1979 ex.s. c 230 § 3.]

RCW 43.83.156 Administration of proceeds.

The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation.

[1979 ex.s. c 230 § 4.]

RCW 43.83.158 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds and notes authorized by RCW 43.83.150 through 43.83.170. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date. Bonds issued under RCW 43.83.150 through 43.83.170 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1979 ex.s. c 230 § 5.]

RCW 43.83.160 State general obligation bond retirement fund created--Trust fund for retirement of state general obligation bonds--Use of designated bond retirement accounts.

The state general obligation bond retirement fund is hereby created in the state treasury. This fund shall be used for the payment of principal of, redemption premium, if any, and interest on general obligation bonds of the state that are required to be paid either directly or indirectly from any general state revenues and that are issued pursuant to statutory authority which statute designates the general obligation bond retirement fund for this purpose. This fund shall be deemed a trust fund for this purpose.

If bond retirement accounts are created in the state treasury by chapter 456, Laws of 1997 and become effective prior to the issuance of any of the bonds that would otherwise be subject to payment from the state general obligation bond retirement fund under this section, the bond retirement accounts designated by the statutes authorizing the bond issuance shall be used for the purposes of this chapter in lieu of the state general obligation bond retirement fund.

[1997 c 456 § 29; 1979 ex.s. c 230 § 6.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.83.162 Separate accounting records required for each issue of bonds.

Separate accounting records shall be maintained by the state treasurer of the debt service requirements of each issue of bonds payable from the state general obligation bond retirement fund, as certified by the state finance committee, and of the payments made out of the general obligation bond retirement fund to meet principal, interest requirements, and redemption premium, if any.

[1979 ex.s. c 230 § 7.]

RCW 43.83.164 Payment on certain bonds from state general obligation bond retirement fund prohibited.

No bonds issued pursuant to Article VIII, section 1(f) of the Constitution of the state of Washington shall be made payable from the state general obligation bond retirement fund.

[1979 ex.s. c 230 § 8.]

RCW 43.83.166 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83.150 through 43.83.170, and RCW 43.83.150 through 43.83.170 shall not be deemed to provide an exclusive method for the payment.

[1979 ex.s. c 230 § 9.]

RCW 43.83.168 Bonds legal investment for public funds.

The bonds authorized in RCW 43.83.150 through 43.83.170 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1979 ex.s. c 230 § 10.]

RCW 43.83.170 Severability--1979 ex.s. c 230.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 230 § 11.]

1981 BOND ISSUE

RCW 43.83.172 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twelve million one hundred thirty thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83.172 through 43.83.182 may be offered for sale without prior legislative appropriation.

[1982 1st ex.s. c 48 § 19; 1981 c 235 § 1.]

Notes:

Severability--1982 1st ex.s. c 48: See note following RCW 28B.14G.900.

RCW 43.83.174 Deposit of proceeds in state building construction account--Use.

The proceeds from the sale of bonds authorized by RCW 43.83.172 through 43.83.182 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.172 through 43.83.182 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1981 c 235 § 2.]

RCW 43.83.176 Administration of proceeds.

The principal proceeds from the sale of the bonds deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation.

[1981 c 235 § 3.]

RCW 43.83.178 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized by RCW 43.83.172 through 43.83.182.

The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83.172 through 43.83.182 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1981 c 235 § 4.]

RCW 43.83.180 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83.172 through 43.83.182, and RCW 43.83.172 through 43.83.182 shall not be deemed to provide an exclusive method for the payment.

[1981 c 235 § 5.]

RCW 43.83.182 Bonds legal investment for public funds.

The bonds authorized in RCW 43.83.172 through 43.83.180 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1981 c 235 § 6.]

1983 BOND ISSUE

RCW 43.83.184 General obligation bonds--Authorized--Issuance--Appropriation required.

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all

improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, and for the purpose of land acquisitions by the department of transportation, grants and loans by the department of community, trade, and economic development, and facilities of the department of corrections and other state agencies, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-four million two hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

[1995 c 399 § 78; 1985 c 466 § 54; 1983 1st ex.s. c 54 § 1.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.83.186 Deposit of proceeds in state building construction account--Use.

The proceeds from the sale of the bonds authorized in RCW 43.83.184 shall be deposited in the state building construction account in the general fund and shall be used exclusively for the purposes specified in RCW 43.83.184 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1983 1st ex.s. c 54 § 2.]

RCW 43.83.188 Administration of proceeds.

The proceeds from the sale of the bonds deposited under RCW 43.83.186 in the state building construction account of the general fund shall be administered by the department of general administration, subject to legislative appropriation.

[1983 1st ex.s. c 54 § 3.]

RCW 43.83.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.83.184.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83.184 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1983 1st ex.s. c 54 § 4.]

RCW 43.83.192 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83.184, and RCW 43.83.190 shall not be deemed to provide an exclusive method for the payment.

[1983 1st ex.s. c 54 § 5.]

RCW 43.83.194 Bonds legal investment for public funds.

The bonds authorized in RCW 43.83.184 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1983 1st ex.s. c 54 § 6.]

RCW 43.83.196 Severability--1983 1st ex.s. c 54.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 1st ex.s. c 54 § 10.]

1984 BOND ISSUE

**RCW 43.83.198 General obligation
bonds--Authorized--Issuance--Price--Appropriation required.**

For the purpose of providing needed capital improvements consisting of the planning, design, construction, renovation, equipping, and repair of buildings and facilities and the acquisition of a marine vessel and marine equipment for the department of corrections, the state finance committee is authorized to issue from time to time general obligation bonds of the state of Washington in the sum of twelve million eight hundred twenty thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall

determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1984 c 271 § 1.]

RCW 43.83.200 Deposit of proceeds in state building construction account--Use.

The proceeds from the sale of the bonds authorized in RCW 43.83.198 shall be deposited in the state building construction account in the general fund and shall be used exclusively for the purposes specified in RCW 43.83.198 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1984 c 271 § 2.]

RCW 43.83.202 Administration of proceeds.

The proceeds from the sale of the bonds deposited under RCW 43.83.200 in the state building construction account of the general fund shall be administered by the department of general administration, subject to legislative appropriation.

[1984 c 271 § 3.]

RCW 43.83.204 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.83.198.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83.198 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1984 c 271 § 4.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83.206 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of, redemption premium, if any, and interest on the bonds authorized in RCW 43.83.198, and RCW 43.83.204 shall not be deemed to provide an exclusive method for the payment.

[1984 c 271 § 5.]

RCW 43.83.208 Bonds legal investment for public funds.

The bonds authorized in RCW 43.83.198 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1984 c 271 § 6.]

RCW 43.83.210 Severability--1984 c 271.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1984 c 271 § 7.]

**Chapter 43.83A RCW
WASTE DISPOSAL FACILITIES BOND ISSUE**

Sections

| | |
|------------|---|
| 43.83A.010 | Declaration. |
| 43.83A.020 | General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required. |
| 43.83A.030 | Proceeds to be deposited in state and local improvements revolving account. |
| 43.83A.040 | Administration of proceeds--Use of funds--Integration of disposal systems. |
| 43.83A.050 | Definitions. |
| 43.83A.060 | Referral to electorate. |
| 43.83A.070 | Form, terms, conditions, etc., of bonds. |
| 43.83A.080 | Anticipation notes--Pledge and promise--Seal. |
| 43.83A.090 | Retirement of bonds from waste disposal facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders--Debt-limit general fund bond retirement account. |
| 43.83A.100 | Legislature may provide additional means for payment of bonds. |
| 43.83A.110 | Bonds legal investment for public funds. |
| 43.83A.900 | Appropriation. |

Notes:

Waste disposal facilities--1980 bond issue: Chapter 43.99F RCW.

RCW 43.83A.010 Declaration.

The long-range development goals for the state of Washington must include the protection of the resources and environment of the state and the health and safety of its people by providing adequate facilities and systems for the collection, treatment, control, or disposal of solid or liquid waste materials.

[1980 c 21 § 1; 1972 ex.s. c 127 § 1.]

RCW 43.83A.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred ninety-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. As used in this section the phrase "public waste disposal facilities" shall not include the acquisition of equipment used to collect, carry, and transport garbage. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1990 1st ex.s. c 15 § 7. Prior: 1989 1st ex.s. c 14 § 10; 1989 c 136 § 2; 1977 ex.s. c 242 § 1; 1972 ex.s. c 127 § 2.]

Notes:

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

Intent--1989 c 136: "It is the intent of this act to allow the sale of state general obligation bonds to underwriters at a discount so that they may be sold to the public at face value, thereby resulting in lower interest costs to the state. Increases in bond authorizations under this act represent this discount and will have no effect on the amount of money available for the projects to be financed by the bonds." [1989 c 136 § 1.]

Severability--1977 ex.s. c 242: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 242 § 6.]

RCW 43.83A.030 Proceeds to be deposited in state and local improvements revolving account.

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 43; 1985 c 57 § 44; 1972 ex.s. c 127 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83A.040 Administration of proceeds--Use of funds--Integration of disposal systems.

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local or other funds are made available on a matching basis for improvements within the purposes of this chapter.

The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the legislature may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

[1979 c 68 § 2; 1972 ex.s. c 127 § 4.]

RCW 43.83A.050 Definitions.

As used in this chapter, the term "waste disposal facilities" shall mean any facilities or systems owned or operated by a public body for the collection, storage, treatment, disposal, recycling, control, or recovery of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, storm water, residential, industrial, and commercial wastes, material segregated into recyclables and nonrecyclables, and any combination of such wastes; and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1980 c 21 § 2; 1979 c 68 § 1; 1972 ex.s. c 127 § 5.]

RCW 43.83A.060 Referral to electorate.

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1972 ex.s. c 127 § 6.]

Notes:

Reviser's note: Chapter 43.83A RCW was adopted and ratified by the people at the November 7, 1972, general election (Referendum Bill No. 26). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

RCW 43.83A.070 Form, terms, conditions, etc., of bonds.

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

[1989 c 136 § 3; 1972 ex.s. c 127 § 7.]

Notes:

Intent--1989 c 136: See note following RCW 43.83A.020.

RCW 43.83A.080 Anticipation notes--Pledge and promise--Seal.

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1972 ex.s. c 127 § 8.]

RCW 43.83A.090 Retirement of bonds from waste disposal facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders--Debt-limit general fund bond retirement account.

The waste disposal facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the waste disposal facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

If a debt-limit general fund bond retirement account is created in the state treasury by chapter 456, Laws of 1997 and becomes effective prior to the issuance of any of the bonds authorized by this chapter, the debt-limit general fund bond retirement account shall be used for the purposes of this chapter in lieu of the waste disposal facilities bond redemption fund.

[1997 c 456 § 12; 1972 ex.s. c 127 § 9.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.83A.100 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1972 ex.s. c 127 § 10.]

RCW 43.83A.110 Bonds legal investment for public funds.

The bonds herein authorized shall be a legal investment for all state funds, or for funds under state control, and for all funds of any other public body.

[1972 ex.s. c 127 § 11.]

RCW 43.83A.900 Appropriation.

There is appropriated to the state department of ecology, from the state and local improvements revolving account out of the proceeds of sale of the bonds or notes authorized herein, for the period from the effective date of this act through June 30, 1973, the sum of ten million dollars for use by said department for grants to public bodies as state matching funds for the purpose of aiding in the planning, acquisition, construction, and improvement of waste

disposal facilities.

[1972 ex.s. c 127 § 12.]

Chapter 43.83B RCW WATER SUPPLY FACILITIES

Sections

- 43.83B.005 Transfer of duties to the department of health.
- 43.83B.010 Declaration.
- 43.83B.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
- 43.83B.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83B.040 Administration of proceeds--Use of funds.
- 43.83B.050 Definitions.
- 43.83B.060 Referral to electorate.
- 43.83B.070 Form, terms, conditions, etc., of bonds.
- 43.83B.080 Anticipation notes--Pledge and promise--Seal.
- 43.83B.090 Retirement of bonds from water supply facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders.
- 43.83B.100 Legislature may provide additional means for payment of bonds.
- 43.83B.110 Bonds legal investment for public funds.

AGRICULTURAL WATER SUPPLY FACILITIES

- 43.83B.200 Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account--Water supply facilities--Use.
- 43.83B.210 Loans or grants from department of ecology--Authorized--Limitations.
- 43.83B.220 Contractual agreements.
- 43.83B.230 Provision for recreation, fish and wildlife enhancement and other public benefits.

EMERGENCY WATER WITHDRAWAL AND FACILITIES

- 43.83B.300 Legislative findings--General obligation bonds authorized--Issuance, terms--Appropriation required.
- 43.83B.336 Civil penalties.
- 43.83B.345 Rates of charges for water--Payment into bond redemption fund--Grants and loans--Contracts.
- 43.83B.350 Loans or grants from department of ecology--Authorized--Limitations.
- 43.83B.355 Form, sale, conditions, etc., of bonds--"Water supply facilities for water withdrawal and distribution" defined.
- 43.83B.360 State emergency water projects revolving account--Proceeds from sale of bonds.
- 43.83B.365 Administration of proceeds from sale of bonds.
- 43.83B.370 Retirement of bonds and notes from emergency water projects bond redemption fund--Remedies of bond holders.
- 43.83B.375 Bonds legal investment for public funds.
- 43.83B.380 Appropriations to department of health--Authorized projects--Conditions.
- 43.83B.385 Appropriations to department of ecology--Authorized projects--Findings.
- 43.83B.400 Drought conditions--Defined--Intent.
- 43.83B.405 Drought conditions--Withdrawals and diversions--Orders, procedure.
- 43.83B.410 Drought conditions--Withdrawals and diversions--Orders, authority granted.

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|------------|---------------------------------------|
| 43.83B.415 | Drought conditions--Loans and grants. |
| 43.83B.420 | Rules. |
| 43.83B.425 | Applicability--Construction. |
| 43.83B.430 | State drought preparedness account. |
| 43.83B.900 | Severability--1975 1st ex.s. c 295. |
| 43.83B.901 | Severability--1977 ex.s. c 1. |

RCW 43.83B.005 Transfer of duties to the department of health.

The powers and duties of the department of social and health services under this chapter shall be performed by the department of health.

[1989 1st ex.s. c 9 § 240.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.83B.010 Declaration.

The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, and agricultural purposes.

[1972 ex.s. c 128 § 1.]

RCW 43.83B.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seventy-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1977 ex.s. c 242 § 2; 1972 ex.s. c 128 § 2.]

Notes:

Severability--1977 ex.s. c 242: See note following RCW 43.83A.020.

RCW 43.83B.030 Proceeds to be deposited in state and local improvements revolving account.

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 53; 1985 c 57 § 45; 1972 ex.s. c 128 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83B.040 Administration of proceeds--Use of funds.

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

[1972 ex.s. c 128 § 4.]

RCW 43.83B.050 Definitions.

As used in this chapter, the term "water supply facilities" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal, industrial, or agricultural water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, a board of joint control, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1996 c 320 § 20; 1975 c 18 § 1; 1972 ex.s. c 128 § 5.]

RCW 43.83B.060 Referral to electorate.

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1,

Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1972 ex.s. c 128 § 6.]

Notes:

Reviser's note: RCW 43.83B.010 through 43.83B.110 was adopted and ratified by the people at the November 7, 1972, general election (Referendum Bill No. 27). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

RCW 43.83B.070 Form, terms, conditions, etc., of bonds.

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

[1972 ex.s. c 128 § 7.]

RCW 43.83B.080 Anticipation notes--Pledge and promise--Seal.

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1972 ex.s. c 128 § 8.]

RCW 43.83B.090 Retirement of bonds from water supply facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders.

The water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the water supply facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of

Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1972 ex.s. c 128 § 9.]

RCW 43.83B.100 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1972 ex.s. c 128 § 10.]

RCW 43.83B.110 Bonds legal investment for public funds.

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1972 ex.s. c 128 § 11.]

AGRICULTURAL WATER SUPPLY FACILITIES

RCW 43.83B.200 Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account--Water supply facilities--Use.

The proceeds from repayment of any loans made for agricultural water supply facilities and the interest earned from such loans, any gifts, grants, or other funds provided to the state for agricultural water supply facilities, and any interest earned on the interim investment of such funds or proceeds shall be deposited in the state and local improvements revolving account--water supply facilities and shall be used exclusively for agricultural water supply facilities.

[1975 1st ex.s. c 295 § 1.]

RCW 43.83B.210 Loans or grants from department of ecology--Authorized--Limitations.

The department of ecology is authorized to make loans or grants or combinations thereof from funds under RCW 43.83B.010 through 43.83B.110 to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A

loan or combination loan and grant shall not exceed fifty percent of the approved eligible project cost for any single proposed project. Any grant or grant portion of a combination loan and grant from funds under RCW 43.83B.010 through 43.83B.110 for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

[1989 c 171 § 7; 1988 c 46 § 1; 1987 c 343 § 4; 1977 ex.s. c 1 § 11; 1975-'76 2nd ex.s. c 36 § 1; 1975 1st ex.s. c 295 § 3.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

Severability--1987 c 343: See note following RCW 43.83B.300.

RCW 43.83B.220 Contractual agreements.

In addition to the powers granted by RCW 43.83B.210, the director of the department of ecology or his designee is authorized to make contractual agreements in accordance with provisions of this chapter on behalf of the state of Washington. Contractual agreements shall include provisions to secure such loans, and shall assure the proper and timely payment of said loans or loan portions of combination loans and grants.

[1989 c 11 § 17; 1975 1st ex.s. c 295 § 5.]

Notes:

Severability--1989 c 11: See note following RCW 9A.56.220.

RCW 43.83B.230 Provision for recreation, fish and wildlife enhancement and other public benefits.

In the course of considering applications under this chapter, the department of ecology shall make known to other state agencies possibilities which may arise to provide public benefits such as recreation or fish and wildlife enhancement in connection with proposed projects. Such agencies, including the department of ecology, are authorized to participate in said projects provided agency funds are made available to pay the full cost of their participation.

[1975 1st ex.s. c 295 § 14.]

EMERGENCY WATER WITHDRAWAL AND FACILITIES

RCW 43.83B.300 Legislative findings--General obligation bonds authorized--Issuance, terms--Appropriation required.

The legislature finds that the fundamentals of water resource policy in this state must be

reviewed by the legislature to ensure that the water resources of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington. The legislature further finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during 1977 and during 1987 through 1989.

The legislature further finds that there is a continuing water supply shortage in many areas of the state and that there is an urgent need to assure the survival of irrigated crops and of the state's fisheries.

The legislature further finds that in addition to water storage facilities or other augmentation programs, improved efficiency of water use could provide an important new supply of water in many parts of the state with which to meet future water needs and that improved efficiency of water use should receive greater emphasis in the management of the state's water resources.

In order to study the fundamentals of water resource policy of the state and to provide needed moneys for the planning, acquisition, construction, and improvement of water supply facilities and for other appropriate measures to assure the survival of irrigated crops and/or the state's fisheries to alleviate emergency water supply conditions arising from droughts occurring from time to time in the state of Washington, and to carry out a comprehensive water use efficiency study for the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1988 c 47 § 1; 1988 c 46 § 2; 1988 c 45 § 1; 1987 c 343 § 1; 1979 ex.s. c 263 § 1; 1977 ex.s. c 1 § 1.]

Notes:

Reviser's note: This section was amended by 1988 c 45 § 1, 1988 c 46 § 2, and by 1988 c 47 § 1, each without reference to the other. All amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Application--1988 c 47: "Nothing in this act shall apply to or interfere with the processing or issuance of water rights in connection with the Yakima River Basin Water Enhancement Project." [1988 c 47 § 8.]

Severability--1988 c 47: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 47 § 9.]

Severability--1987 c 343: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 343 § 11.]

Severability--1979 ex.s. c 263: "If any provision of this 1979 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 263 § 5.]

RCW 43.83B.336 Civil penalties.

See RCW 90.03.600.

RCW 43.83B.345 Rates of charges for water--Payment into bond redemption fund--Grants and loans--Contracts.

(1) The department of ecology shall, by rule, establish rates of charges for all waters delivered from such facilities as constructed by the department with funds provided in RCW 43.83B.385 (2) or (3). Where the department provides water to public or municipal corporations or other governmental bodies having authority to distribute water, the payment for the water may be made pursuant to contract over a period not exceeding twenty-five years from the date of delivery. In all other cases, the department shall obtain payment for waters prior to its delivery to a purchaser. All payments received shall be deposited into the state emergency water projects bond redemption fund of 1977.

(2) Public bodies, eligible to obtain funds through grants or loans or combinations thereof under the provisions of *RCW 43.83B.300 through 43.83B.345 and 43.83B.210 as now or hereafter amended, are authorized to enter into contracts with the department of ecology for the purpose of repaying loans authorized by RCW 43.83B.380 and 43.83B.385 and for the purpose of purchasing water under this section.

(3) The department of ecology is authorized to enter into appropriate contracts to ensure effective delivery of water and the operation and maintenance of facilities constructed pursuant to *RCW 43.83B.300 through 43.83B.385, 43.83B.901, and 43.83B.210.

[1977 ex.s. c 1 § 10.]

Notes:

***Reviser's note:** RCW 43.83B.305 through 43.83B.330 and 43.83B.340 through 43.83B.344 were repealed by 1989 c 171 § 12.

RCW 43.83B.350 Loans or grants from department of ecology--Authorized--Limitations.

See RCW 43.83B.210.

RCW 43.83B.355 Form, sale, conditions, etc., of bonds--"Water supply facilities for water withdrawal and distribution" defined.

The state finance committee is authorized to prescribe the form of the bonds authorized in RCW 43.83B.300, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile

signatures in the issuance of the bonds.

As used in RCW 43.83B.300, and 43.83B.355 through 43.83B.375, the term "water supply facilities for water withdrawal and distribution" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to the acquisition, construction, installation, improvement, or use of any water supply or distribution system furnishing water for agricultural, municipal or industrial purposes.

[1977 ex.s. c 1 § 12.]

RCW 43.83B.360 State emergency water projects revolving account--Proceeds from sale of bonds.

The proceeds from the sale of bonds authorized by RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be deposited in the state emergency water projects revolving account, hereby created in the state treasury, and shall be used exclusively for the purposes specified in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 and for the payment of expenses incurred in the issuance and sale of such bonds.

[1991 sp.s. c 13 § 33; 1985 c 57 § 46; 1977 ex.s. c 1 § 13.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83B.365 Administration of proceeds from sale of bonds.

The principal proceeds from the sale of the bonds authorized in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be administered by the director of the department of ecology.

[1977 ex.s. c 1 § 14.]

RCW 43.83B.370 Retirement of bonds and notes from emergency water projects bond redemption fund--Remedies of bond holders.

The state emergency water projects bond redemption fund of 1977, hereby created in the state treasury, shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by RCW 43.83B.300, and 43.83B.355 through 43.83B.375. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 emergency water projects bond redemption fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

[1977 ex.s. c 1 § 15.]

RCW 43.83B.375 Bonds legal investment for public funds.

The bonds authorized by RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be a legal investment for all state funds under state control and all funds of municipal corporations.

[1977 ex.s. c 1 § 16.]

RCW 43.83B.380 Appropriations to department of health--Authorized projects--Conditions.

There is hereby appropriated to the department of health the sum of nine million seven hundred thirty-seven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, from the general fund--state and local improvements revolving account--water supply facilities for the purposes authorized in *RCW 43.83B.300 through 43.83B.345 and 43.83B.210 as now or hereafter amended relating to the emergency water conditions arising from the drought forecast for the summer and fall of 1977 affecting municipal and industrial water supply distribution facilities. Prior to the expenditure of funds for projects approved by the department, the department shall file a listing of the approved projects with the senate ways and means committee and the house appropriations committee.

(2) There is hereby appropriated to the department of health the sum of five million three hundred twenty-seven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, from the general fund--state and local improvements revolving account--water supply facilities to be expended for municipal and industrial water supply and distribution facility projects for which applications are in progress on March 25, 1977 and have arisen from the drought forecast for the summer and fall of 1977. Prior to the expenditure of funds for projects approved by the department, the department shall file a listing of the approved projects with the senate ways and means committee and the house appropriations committee.

The municipal and industrial water supply and distribution facilities receiving funds from the appropriations contained in this section shall comply with the eligible costs criteria, health and design standards, and contract performance requirements of the municipal and industrial funding program under chapter 43.83B RCW. All projects shall be evaluated by applying the said chapter's evaluation and prioritization criteria to insure that only projects related to water shortage problems receive funding. The projects funded shall be limited to those projects providing interties with adjacent utilities, an expanded source of supply, conservation projects which will conserve or maximize efficiency of the existing supply, or a new source of supply. No obligation to provide a grant for a project authorized under this section shall be incurred after June 30, 1977.

[1991 c 3 § 300; 1977 ex.s. c 1 § 17.]

Notes:

***Reviser's note:** RCW 43.83B.305 through 43.83B.330 and 43.83B.340 through 43.83B.344 were repealed by 1989 c 171 § 12.

RCW 43.83B.385 Appropriations to department of ecology--Authorized projects--Findings.

(1) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water projects revolving account in the general fund, the sum of seven million dollars, or so much thereof as may be necessary, which shall be expended for the financing of the following agricultural water supply and distribution projects from surface water sources: Kennewick Irrigation District; Kittitas Reclamation District; Stemilt Irrigation District; Wenatchee Heights Reclamation District; and the Wenatchee Reclamation District.

(2) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water projects revolving account in the general fund, the sum of five million dollars, or so much thereof as may be necessary, which shall be expended for the financing and construction of agricultural water supply and distribution projects from ground water sources primarily in the Moxee-Ahtanum and Park Creek aquifer areas.

(3) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water supply revolving account in the general fund the sum of six million dollars, or so much thereof as may be necessary, which shall be expended for water withdrawal projects relating to ground and surface waters as provided for in subsections (1) and (2) of this section and for the financing and construction of agricultural water supply and distribution projects from ground and surface water sources which may become required by public bodies other than those identified in this section as a result of the drought forecast for the summer and fall of 1977.

The department may expend funds from the appropriations contained in subsections (1), (2), and (3) of this section to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050. The grant portion of a combination loan and grant to a public body for any project shall not exceed fifteen percent of the total amount received by such project under this section.

The department may expend funds from the appropriations contained in subsections (1), (2), and (3) of this section to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050 to satisfy the matching requirements of RCW 43.83B.210 as now or hereafter amended.

Prior to the funding of any agriculture projects not specifically set forth in this section the department must make a formal finding that: An emergency water shortage condition exists; the project proposed for funding will alleviate the water shortage; the public body recipient of any funds has reasonable capability to repay the loan involved; and the water from the project will be used for a beneficial purpose as a substitute for water not available due to drought conditions.

[1977 ex.s. c 1 § 18.]

RCW 43.83B.400 Drought conditions--Defined--Intent.

It is the intent of the legislature to provide emergency powers to the department of ecology to enable it to take actions, in a timely and expeditious manner, that are designed to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. As used in this chapter, "drought condition" means that the water supply for a geographical area or for a significant portion of a geographical area is below seventy-five percent of normal and the water shortage is likely to create undue hardships for various water uses and users.

[1989 c 171 § 1.]

Notes:

Severability--1989 c 171: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 171 § 14.]

RCW 43.83B.405 Drought conditions--Withdrawals and diversions--Orders, procedure.

(1) Whenever it appears to the department of ecology that a drought condition either exists or is forecast to occur within the state or portions thereof, the department of ecology is authorized to issue orders, pursuant to rules previously adopted, to implement the powers as set forth in RCW 43.83B.410 through 43.83B.420. The department shall, immediately upon the issuance of an order under this section, cause said order to be published in newspapers of general circulation in the areas of the state to which the order relates. Prior to the issuance of an order, the department shall (a) consult with and obtain the views of the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to RCW 43.83B.410(4), and (b) obtain the written approval of the governor. Orders issued under this section shall be deemed orders for the purposes of chapter 34.05 RCW.

(2) Any order issued under subsection (1) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

(3) The provisions of subsection (2) of this section do not preclude the issuance of more than one order under subsection (1) of this section for different areas of the state or sequentially for the same area as the need arises for such an order or orders.

[1989 c 171 § 2.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.410 Drought conditions--Withdrawals and diversions--Orders, authority granted.

Upon the issuance of an order under RCW 43.83B.405, the department of ecology is empowered to:

(1)(a) Authorize emergency withdrawal of public surface and ground waters, including dead storage within reservoirs, on a temporary basis and authorize associated physical works which may be either temporary or permanent. The termination date for the authority to make such an emergency withdrawal may not be later than the termination date of the order issued under RCW 43.83B.405 under which the power to authorize the withdrawal is established. The department of ecology may issue such withdrawal authorization when, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(i) The waters proposed for withdrawal are to be used for a beneficial use involving a previously established activity or purpose;

(ii) The previously established activity or purpose was furnished water through rights applicable to the use of a public body of water that cannot be exercised due to the lack of water arising from natural drought conditions; and

(iii) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (A) to assure the maintenance of fisheries requirements, and (B) to protect federal and state interests including, among others, power generation, navigation, and existing water rights;

(b) All withdrawal authorizations issued under this section shall contain provisions that allow for termination of withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in (a)(iii) of this subsection. Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses." As to water withdrawal and associated works authorized under this subsection, the requirements of chapter 43.21C RCW and public bidding requirements as otherwise provided by law are waived and inapplicable. All state and local agencies with authority to issue permits or other authorizations for such works shall, to the extent possible, expedite the processing of the permits or authorizations in keeping with the emergency nature of the requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands, if such lands are necessary to effectuate the withdrawal authorizations issued under this subsection, shall provide short-term easements or other appropriate property interest upon the payment of the fair market value. This mandate shall not apply to any lands of the state that are reserved for a special purpose or use that cannot properly be carried out if the property interest were conveyed;

(2) Approve a temporary change in purpose, place of use, or point of diversion, consistent with existing state policy allowing transfer or lease of waters between willing parties, as provided for in RCW 90.03.380, 90.03.390, and 90.44.100. However, compliance with any requirements of (a) notice of newspaper publication of these sections or (b) the state environmental policy act, chapter 43.21C RCW, is not required when such changes are necessary

to respond to drought conditions as determined by the department of ecology. An approval of a temporary change of a water right as authorized under this subsection is not admissible as evidence in either supporting or contesting the validity of water claims in *State of Washington, Department of Ecology v. Acquavella*, Yakima county superior court number 77-2-01484-5 or any similar proceeding where the existence of a water right is at issue.

(3) Employ additional persons for specified terms of time, consistent with the term of a drought condition, as are necessary to ensure the successful performance of the activities associated with implementing the emergency drought program of this chapter.

(4) Revise the drought contingency plan previously developed by the department; and

(5) Acquire needed emergency drought-related equipment.

[1989 c 171 § 3.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.415 Drought conditions--Loans and grants.

(1) The department of ecology is authorized to make loans, grants, or combinations of loans and grants from emergency agricultural water supply funds when necessary to provide water to alleviate emergency drought conditions in order to ensure the survival of irrigated crops and the state's fisheries. For the purposes of this section, "emergency agricultural water supply funds" means funds appropriated from the state emergency water projects revolving account created under RCW 43.83B.360. The department of ecology may make the loans, grants, or combinations of loans and grants as matching funds in any case where federal, local, or other funds have been made available on a matching basis. The department may make a loan of up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost. The grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supply, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total emergency agricultural water supply funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. In any biennium the total expenditures of emergency agricultural water supply funds for nonagricultural drought relief purposes may not exceed ten percent of the total of such funds available during that biennium.

(2)(a) Except as provided in (b) of this subsection, after June 30, 1989, emergency agricultural water supply funds, including the repayment of loans and any accrued interest, shall not be used for any purpose except during drought conditions as determined under RCW 43.83B.400 and 43.83B.405.

(b) Emergency agricultural water supply funds may be used on a one-time basis for the development of procedures to be used by state governmental entities to implement the state's drought contingency plan.

[1989 c 171 § 4.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.420 Rules.

The department shall adopt such rules as are necessary to ensure the successful implementation of this chapter.

[1989 c 171 § 5.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.425 Applicability--Construction.

Nothing in this chapter shall:

- (1) Authorize any interference whatsoever with existing water rights;
- (2) Authorize the establishment of rights to withdrawal of waters of a permanent nature or of rights with any priority;
- (3) Authorize the establishment of a water right under RCW 90.03.250 or 90.44.060;
- (4) Preclude any person from filing an application pursuant to RCW 90.03.250 or 90.44.060.

[1989 c 171 § 6.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.430 State drought preparedness account.

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness.

[1999 c 379 § 921.]

Notes:

Effective date--1999 c 379: See note following RCW 43.98A.040.

RCW 43.83B.900 Severability--1975 1st ex.s. c 295.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975 1st ex.s. c 295 § 17.]

RCW 43.83B.901 Severability--1977 ex.s. c 1.

If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1977 ex.s. c 1 § 19.]

**Chapter 43.83C RCW
RECREATION IMPROVEMENTS BOND ISSUE**

Sections

| | |
|------------|--|
| 43.83C.010 | Declaration. |
| 43.83C.020 | General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required. |
| 43.83C.040 | Administration of proceeds--Division into shares--Use of funds. |
| 43.83C.050 | Definitions. |
| 43.83C.060 | Referral to electorate. |
| 43.83C.070 | Form, terms, conditions, etc., of bonds. |
| 43.83C.080 | Anticipation notes--Pledge and promise--Seal. |
| 43.83C.090 | Retirement of bonds from recreation improvements bond redemption fund--Retail sales tax collections--Remedies of bond holders. |
| 43.83C.100 | Legislature may provide additional means for payment of bonds. |
| 43.83C.110 | Bonds legal investment for public funds. |

RCW 43.83C.010 Declaration.

The long-range development goals for the state of Washington must include the acquisition, preservation, and improvement of recreation areas and facilities for the use and enjoyment of present and future residents of the state and the further development of the state's tourism and recreation economic base.

[1972 ex.s. c 129 § 1.]

RCW 43.83C.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

For the purpose of providing funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the

proceeds of such bonds to be sold.

[1977 ex.s. c 242 § 3; 1972 ex.s. c 129 § 2.]

Notes:

Severability--1977 ex.s. c 242: See note following RCW 43.83A.020.

RCW 43.83C.040 Administration of proceeds--Division into shares--Use of funds.

The proceeds from the sale of the bonds deposited in the *state and local improvements revolving account of the general fund under the terms of this chapter shall be divided into three shares as follows:

(1) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to the state of Washington, or any agency or department thereof, for the acquisition, preservation, and development of recreation areas and facilities by the state. The committee may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

(2) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to public bodies for the acquisition, preservation, development, and improvement of recreational areas and facilities within the jurisdiction of such bodies. The committee may use or permit the use of any portion of such share for loans or grants to public bodies including use as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

(3) Thirty percent of such proceeds shall be allocated to the state parks and recreation commission, subject to legislative appropriation, for improvement of existing state parks and the acquisition and preservation of historic sites and buildings. The commission may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

In the event that the bonds authorized by this chapter are sold in more than one series the above division into shares shall apply to the total proceeds of the bonds authorized by this chapter and not to the proceeds of each separate series.

[1972 ex.s. c 129 § 4.]

Notes:

***Reviser's note:** The "state and local improvements revolving account" was created in RCW 43.83C.030 which was repealed by 2000 c 150 § 2, effective July 1, 2001.

RCW 43.83C.050 Definitions.

As used in this chapter, the phrase "acquisition, preservation, development, and improvement of recreation areas and facilities" shall include the acquisition, development, and

improvement of real property, or any interest therein, for park and recreation purposes, including the acquisition and construction of all structures, utilities, equipment, and improvements necessary or incidental to such purposes, the acquisition and preservation of historic sites and buildings and of scenic and environmentally valuable areas of the state, and the improvement of existing park and recreation areas and facilities.

As used in this chapter, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1972 ex.s. c 129 § 5.]

RCW 43.83C.060 Referral to electorate.

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1972 ex.s. c 129 § 6.]

Notes:

Reviser's note: Chapter 43.83C RCW was adopted and ratified by the people at the November 7, 1972, general election (Referendum Bill No. 28). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

RCW 43.83C.070 Form, terms, conditions, etc., of bonds.

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

[1972 ex.s. c 129 § 7.]

RCW 43.83C.080 Anticipation notes--Pledge and promise--Seal.

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on

such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1972 ex.s. c 129 § 8.]

RCW 43.83C.090 Retirement of bonds from recreation improvements bond redemption fund--Retail sales tax collections--Remedies of bond holders.

The recreation improvements bond redemption fund is hereby created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the recreation improvements bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1972 ex.s. c 129 § 9.]

RCW 43.83C.100 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1972 ex.s. c 129 § 10.]

RCW 43.83C.110 Bonds legal investment for public funds.

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any public body.

[1972 ex.s. c 129 § 11.]

**Chapter 43.83D RCW
SOCIAL AND HEALTH SERVICES FACILITIES 1972 BOND ISSUE**

Sections

| | |
|------------|---|
| 43.83D.010 | Declaration. |
| 43.83D.020 | General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required. |
| 43.83D.030 | Proceeds to be deposited in state and local improvements revolving account. |
| 43.83D.040 | Administration of proceeds--Comprehensive plan--Use of funds. |
| 43.83D.050 | Definitions. |
| 43.83D.060 | Referral to electorate. |
| 43.83D.070 | Form, terms, conditions, etc., of bonds. |
| 43.83D.080 | Anticipation notes--Pledge and promise--Seal. |
| 43.83D.090 | Retirement of bonds from social and health service facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders. |
| 43.83D.100 | Legislature may provide additional means for payment of bonds. |
| 43.83D.110 | Bonds legal investment for public funds. |

RCW 43.83D.010 Declaration.

The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community health and social service facilities will provide the improved and convenient health and social services needed for an efficient work force and a healthy and secure people.

[1972 ex.s. c 130 § 1.]

RCW 43.83D.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

For the purpose of providing funds for the planning, acquisition, construction, and improvement of health and social service facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1977 ex.s. c 242 § 4; 1972 ex.s. c 130 § 2.]

Notes:

Severability--1977 ex.s. c 242: See note following RCW 43.83A.020.

RCW 43.83D.030 Proceeds to be deposited in state and local improvements revolving account.

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the

state and local improvements revolving account in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 55; 1985 c 57 § 48; 1972 ex.s. c 130 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83D.040 Administration of proceeds--Comprehensive plan--Use of funds.

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of social and health services, subject to legislative appropriation. The department shall prepare a comprehensive plan for a system of social and health service facilities for the state and may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish such plan by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

[1972 ex.s. c 130 § 4.]

RCW 43.83D.050 Definitions.

As used in this chapter, the term "social and health service facilities" shall mean real property, and interests therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances, developed as a part of a comprehensive plan for a system of social and health service facilities for the state including, without limitation, facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities, and vocational rehabilitation.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1972 ex.s. c 130 § 5.]

RCW 43.83D.060 Referral to electorate.

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the

Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1972 ex.s. c 130 § 6.]

Notes:

Reviser's note: Chapter 43.83D RCW was adopted and ratified by the people at the November 7, 1972, general election (Referendum Bill No. 29). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved. . . ."

RCW 43.83D.070 Form, terms, conditions, etc., of bonds.

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

[1972 ex.s. c 130 § 7.]

RCW 43.83D.080 Anticipation notes--Pledge and promise--Seal.

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1972 ex.s. c 130 § 8.]

RCW 43.83D.090 Retirement of bonds from social and health service facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders.

The social and health service facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1 of each year the state treasurer shall deposit such amount in the social and health service facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance

committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed herein.

[1972 ex.s. c 130 § 9.]

RCW 43.83D.100 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1972 ex.s. c 130 § 10.]

RCW 43.83D.110 Bonds legal investment for public funds.

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1972 ex.s. c 130 § 11.]

**Chapter 43.83F RCW
CAPITOL FACILITIES REVENUE BONDS, 1969--
EAST CAPITOL SITE BONDS, 1969**

Sections

| | |
|------------|---|
| 43.83F.010 | Refunding bonds--Issuance--Authorization. |
| 43.83F.020 | Refunding bonds--Powers and duties of state finance committee. |
| 43.83F.030 | Refunding bonds--Administration of proceeds from sale--Exception. |
| 43.83F.040 | Refunding bonds--Payment from bond redemption fund--Procedure--General obligation of state. |
| 43.83F.050 | Refunding bonds--Legislature may provide additional means for payment. |
| 43.83F.060 | Refunding bonds--Legal investment for state and other public bodies. |
| 43.83F.900 | Severability--1974 ex.s. c 113. |

RCW 43.83F.010 Refunding bonds--Issuance--Authorization.

The state finance committee is authorized to issue general obligation bonds of the state in the amount of twenty-one million dollars, or so much thereof as may be required to refund, at or prior to maturity, the outstanding "State of Washington Capitol Facilities Revenue Bonds, 1969", dated October 1, 1969, and the outstanding "State of Washington East Capitol Site Bonds, 1969", dated October 1, 1969, and to pay any premium payable with respect thereto and all interest thereon, and to pay all costs incidental thereto and to the issuance of the bonds

authorized by this chapter. The bonds authorized by this chapter shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the state Constitution.

[1974 ex.s. c 113 § 1.]

RCW 43.83F.020 Refunding bonds--Powers and duties of state finance committee.

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds. Such bonds shall be payable at such places as the committee may provide.

[1974 ex.s. c 113 § 2.]

RCW 43.83F.030 Refunding bonds--Administration of proceeds from sale--Exception.

The proceeds from the sale of bonds authorized by this chapter shall be set aside for the payment of the bonds to be refunded in accordance with chapter 39.53 RCW, except that investment and reinvestment thereof shall be limited to direct obligations of the United States of America.

[1974 ex.s. c 113 § 3.]

RCW 43.83F.040 Refunding bonds--Payment from bond redemption fund--Procedure--General obligation of state.

The state building refunding bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by this chapter. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a

mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1974 ex.s. c 113 § 4.]

RCW 43.83F.050 Refunding bonds--Legislature may provide additional means for payment.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1974 ex.s. c 113 § 5.]

RCW 43.83F.060 Refunding bonds--Legal investment for state and other public bodies.

The bonds authorized in this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1974 ex.s. c 113 § 6.]

RCW 43.83F.900 Severability--1974 ex.s. c 113.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1974 ex.s. c 113 § 8.]

**Chapter 43.83H RCW
SOCIAL AND HEALTH SERVICES FACILITIES--BOND ISSUES**

Sections

1975-'76 BOND ISSUE

- 43.83H.010 General obligation bonds--Authorized--Issuance, sale, terms, etc.
- 43.83H.020 "Social and health services facilities" defined.
- 43.83H.030 Proceeds of bonds.
- 43.83H.040 Administration of proceeds.
- 43.83H.050 Retirement of bonds from social and health services construction bond redemption fund--Source--Remedies of bond holders.
- 43.83H.060 Legal investment for public funds.

1977 BOND ISSUE

- 43.83H.100 General obligation bonds--Authorized--Issuance, sale, terms, etc.
- 43.83H.110 "Social and health services facilities" defined.

- 43.83H.120 Anticipation notes--Proceeds of bonds and notes.
- 43.83H.130 Administration of proceeds.
- 43.83H.140 Retirement of bonds from social and health services construction bond redemption fund of 1976--Source--Remedies of bond holders.
- 43.83H.150 Legal investment for public funds.

1979 BOND ISSUE

- 43.83H.160 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Pledge and promise.
- 43.83H.162 "Social and health services facilities" defined.
- 43.83H.164 Bond anticipation notes--Deposit of proceeds of bonds and notes in social and health services construction account and social and health services bond redemption fund of 1979.
- 43.83H.166 Administration of proceeds.
- 43.83H.168 Retirement of bonds and notes from social and health services bond redemption fund of 1979--Retirement of bonds and notes from state general obligation bond retirement fund--Remedies of bondholders.
- 43.83H.170 Bonds legal investment for public funds.

1981 BOND ISSUE

- 43.83H.172 General obligation bonds--Authorized--Issuance--Pledge and promise.
- 43.83H.174 "Social and health services facilities" defined.
- 43.83H.176 Deposit of proceeds in state social and health services construction account--Use.
- 43.83H.178 Administration of proceeds.
- 43.83H.180 Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders.
- 43.83H.182 Bonds legal investment for public funds.

1984 BOND ISSUE

- 43.83H.184 General obligation bonds--Authorized--Issuance--Price--Appropriation required.
- 43.83H.186 Deposit of proceeds in state social and health services construction account--Use.
- 43.83H.188 Administration of proceeds.
- 43.83H.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83H.192 Legislature may provide additional means for payment of bonds.
- 43.83H.194 Bonds legal investment for public funds.

CONSTRUCTION

- 43.83H.900 Severability--1975-'76 2nd ex.s. c 125.
- 43.83H.910 Severability--1977 ex.s. c 342.
- 43.83H.912 Severability--1979 ex.s. c 252.
- 43.83H.914 Severability--1981 c 234.
- 43.83H.915 Severability--1984 c 269.

1975-'76 BOND ISSUE

RCW 43.83H.010 General obligation bonds--Authorized--Issuance, sale, terms, etc.

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty-one million four hundred thousand dollars or so much thereof as shall be required to finance social and health services facilities. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1975-'76 2nd ex.s. c 125 § 1.]

RCW 43.83H.020 "Social and health services facilities" defined.

As used in this chapter, the term "social and health services facilities" shall include, without limitation, facilities for use in veterans' service programs, adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the social and health services construction account in the general fund by chapter 276, Laws of 1975 1st ex. sess., the capital appropriations act, or subsequent capital appropriations acts.

[1975-'76 2nd ex.s. c 125 § 2.]

RCW 43.83H.030 Proceeds of bonds.

The proceeds from the sale of bonds authorized by *this chapter shall be deposited in the state social and health services construction account hereby created in the state treasury and shall be used exclusively for the purposes specified in this chapter and for the payment of expenses incurred in the issuance and sale of such bonds.

[1991 sp.s. c 13 § 56; 1985 c 57 § 49; 1975-'76 2nd ex.s. c 125 § 3.]

Notes:

***Reviser's note:** A literal translation of "this chapter" is RCW 43.83H.010 through 43.83H.060 and 43.83H.900.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83H.040 Administration of proceeds.

The principal proceeds from the sale of the bonds authorized in this chapter and deposited in the social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services.

[1975-'76 2nd ex.s. c 125 § 4.]

Notes:

Reviser's note: A literal translation of "this chapter" is RCW 43.83H.010 through 43.83H.060 and 43.83H.900.

RCW 43.83H.050 Retirement of bonds from social and health services construction bond redemption fund--Source--Remedies of bond holders.

The state social and health services bond redemption fund of 1976 is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds and notes authorized by this chapter or any social and health services facilities bonds and notes hereafter authorized by the legislature. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state social and health services bond redemption fund of 1976 from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

[1975-'76 2nd ex.s. c 125 § 5.]

Notes:

Reviser's note: A literal translation of "this chapter" is RCW 43.83H.010 through 43.83H.060 and 43.83H.900.

RCW 43.83H.060 Legal investment for public funds.

The bonds authorized by this chapter shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1975-'76 2nd ex.s. c 125 § 6.]

Notes:

Reviser's note: A literal translation of "this chapter" is RCW 43.83H.010 through 43.83H.060 and 43.83H.900.

1977 BOND ISSUE

RCW 43.83H.100 General obligation bonds--Authorized--Issuance, sale, terms, etc.

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state

of Washington in the sum of twenty million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.100 through 43.83H.150 and 43.83H.910 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1977 ex.s. c 342 § 1.]

RCW 43.83H.110 "Social and health services facilities" defined.

As used in RCW 43.83H.100 through 43.83H.150 and 43.83H.910, the term "social and health services facilities", shall include, without limitation, facilities for use in adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the state social and health services construction account in the general fund by chapter 338, Laws of 1977 ex. sess., the capital appropriations act, or subsequent capital appropriations acts.

[1977 ex.s. c 342 § 2.]

RCW 43.83H.120 Anticipation notes--Proceeds of bonds and notes.

At the time the state finance committee determines to issue such bonds authorized in RCW 43.83H.100 or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83H.100 through 43.83H.150 and 43.83H.910 shall be deposited in the state social and health services construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83H.100 through 43.83H.150 and 43.83H.910 and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state social and health services bond redemption fund of 1976 in the state treasury.

[1977 ex.s. c 342 § 3.]

RCW 43.83H.130 Administration of proceeds.

The proceeds from the sale of the bonds authorized in RCW 43.83H.100 through 43.83H.150 and 43.83H.910 and deposited in the state social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services.

[1977 ex.s. c 342 § 4.]

RCW 43.83H.140 Retirement of bonds from social and health services construction bond redemption fund of 1976--Source--Remedies of bond holders.

The state social and health services bond redemption fund of 1976 in the state treasury shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by RCW 43.83H.100 through 43.83H.150 and 43.83H.910. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1976 state social and health services bond redemption fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

[1977 ex.s. c 342 § 5.]

RCW 43.83H.150 Legal investment for public funds.

The bonds authorized by RCW 43.83H.100 through 43.83H.150 and 43.83H.910 shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1977 ex.s. c 342 § 6.]

1979 BOND ISSUE

RCW 43.83H.160 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Pledge and promise.

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred and two million dollars, or so much thereof as may be

required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.160 through 43.83H.170 and 43.83H.912 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The state finance committee is authorized to prescribe the form of the bonds, the time of sale of all or any portion or portions of the bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1979 ex.s. c 252 § 1.]

RCW 43.83H.162 "Social and health services facilities" defined.

As used in RCW 43.83H.160 through 43.83H.170 and 43.83H.912, the term "social and health services facilities", shall include, without limitation, facilities for use in adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the state social and health services construction account in the general fund by the capital appropriations act, or subsequent capital appropriations acts.

[1979 ex.s. c 252 § 2.]

RCW 43.83H.164 Bond anticipation notes--Deposit of proceeds of bonds and notes in social and health services construction account and social and health services bond redemption fund of 1979.

At the time the state finance committee determines to issue the bonds authorized in RCW 43.83H.160, or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83H.160 through 43.83H.170 and 43.83H.912 shall be deposited in the state social and health services construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83H.160 through 43.83H.170 and 43.83H.912 and for the payment of expenses incurred in the issuance and sale of the bonds and notes: PROVIDED, That such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal and interest on the anticipation notes as have been issued shall be deposited in the state social and health services bond redemption fund of 1979, hereby created, in the state treasury.

[1979 ex.s. c 252 § 3.]

RCW 43.83H.166 Administration of proceeds.

The proceeds from the sale of the bonds authorized in RCW 43.83H.160 through 43.83H.170 and 43.83H.912 and deposited in the state social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services.

[1979 ex.s. c 252 § 4.]

RCW 43.83H.168 Retirement of bonds and notes from social and health services bond redemption fund of 1979--Retirement of bonds and notes from state general obligation bond retirement fund--Remedies of bondholders.

The state social and health services bond redemption fund of 1979 hereby created in the state treasury shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by RCW 43.83H.160 through 43.83H.170 and 43.83H.912. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1979 state social and health services bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by RCW 43.83H.160 through 43.83H.170 and 43.83H.912, the state general obligation bond retirement fund shall be used for purposes of RCW 43.83H.160 through 43.83H.170 and 43.83H.912 in lieu of the state social and health services bond redemption fund of 1979, and the state social and health services bond redemption fund of 1979 shall cease to exist.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed in this section.

[1979 ex.s. c 252 § 5.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83H.170 Bonds legal investment for public funds.

The bonds authorized by RCW 43.83H.160 through 43.83H.170 and 43.83H.912 shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1979 ex.s. c 252 § 6.]

1981 BOND ISSUE

RCW 43.83H.172 General obligation bonds--Authorized--Issuance--Pledge and promise.

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services and department of corrections facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred eight-seven [eighty-seven] million four hundred twenty-five thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.172 through 43.83H.182 may be offered for sale without prior legislative appropriation.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

[1983 1st ex.s. c 54 § 8; 1982 1st ex.s. c 23 § 3; 1981 c 234 § 1.]

Notes:

Severability--1983 1st ex.s. c 54: See RCW 43.83.196.

RCW 43.83H.174 "Social and health services facilities" defined.

As used in RCW 43.83H.172 through 43.83H.182, the term "social and health services facilities" shall include, without limitation, facilities for use in adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the state social and health services construction account in the general fund by the capital appropriations act, or subsequent capital appropriations acts.

[1981 c 234 § 2.]

RCW 43.83H.176 Deposit of proceeds in state social and health services construction account--Use.

The proceeds from the sale of bonds authorized by RCW 43.83H.172 through 43.83H.182 shall be deposited in the state social and health services construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83H.172 through 43.83H.182 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1981 c 234 § 3.]

RCW 43.83H.178 Administration of proceeds.

The proceeds from the sale of the bonds authorized in RCW 43.83H.172 through 43.83H.182 and deposited in the state social and health services construction account in the general fund shall be administered by the secretary of social and health services.

[1981 c 234 § 4.]

RCW 43.83H.180 Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders.

The state general obligation bond retirement fund shall be used for the purpose of the payment of interest on and retirement of the bonds authorized to be issued by RCW 43.83H.172 through 43.83H.182.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed in this section.

[1981 c 234 § 5.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83H.182 Bonds legal investment for public funds.

The bonds authorized by RCW 43.83H.172 through 43.83H.180 shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1981 c 234 § 6.]

1984 BOND ISSUE

RCW 43.83H.184 General obligation bonds--Authorized--Issuance--Price--Appropriation required.

For the purpose of providing needed capital improvements consisting of fire safety projects and the design, construction, repair, renovating, and equipping of buildings and facilities of the department of social and health services, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of fourteen

million six hundred sixty thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1984 c 269 § 1.]

RCW 43.83H.186 Deposit of proceeds in state social and health services construction account--Use.

The proceeds from the sale of the bonds authorized in RCW 43.83H.184 shall be deposited in the state social and health services construction account in the general fund and shall be used exclusively for the purposes specified in RCW 43.83H.184 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1984 c 269 § 2.]

RCW 43.83H.188 Administration of proceeds.

The proceeds from the sale of the bonds deposited under RCW 43.83H.186 in the state social and health services construction account of the general fund shall be administered by the department of social and health services, subject to legislative appropriation.

[1984 c 269 § 3.]

RCW 43.83H.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.83H.184.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83H.184 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment

of funds as directed in this section.

[1984 c 269 § 4.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83H.192 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83H.184, and RCW 43.83H.190 shall not be deemed to provide an exclusive method for the payment.

[1984 c 269 § 5.]

RCW 43.83H.194 Bonds legal investment for public funds.

The bonds authorized in RCW 43.83H.184 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1984 c 269 § 6.]

CONSTRUCTION

RCW 43.83H.900 Severability--1975-'76 2nd ex.s. c 125.

If any provision of this 1976 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975-'76 2nd ex.s. c 125 § 8.]

RCW 43.83H.910 Severability--1977 ex.s. c 342.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1977 ex.s. c 342 § 7.]

RCW 43.83H.912 Severability--1979 ex.s. c 252.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 252 § 7.]

RCW 43.83H.914 Severability--1981 c 234.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1981 c 234 § 7.]

RCW 43.83H.915 Severability--1984 c 269.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1984 c 269 § 7.]

**Chapter 43.83I RCW
DEPARTMENT OF FISHERIES--BOND ISSUES**

Sections

1975-'76 BOND ISSUE

- 43.83I.010 General obligation bonds--Authorized--Issuance, sale, terms, etc.
- 43.83I.020 Bond anticipation notes--Proceeds of bonds and interest on notes.
- 43.83I.030 Bonds and notes--Powers and duties of state finance committee.
- 43.83I.040 Fisheries capital projects account created--Proceeds deposited in--Exception.
- 43.83I.050 1976 fisheries bond retirement fund created.
- 43.83I.060 Legal investment for public funds.

1977 BOND ISSUE

- 43.83I.100 General obligation bonds--Authorized--Issuance, sale, terms, etc.
- 43.83I.110 Bond anticipation notes--Proceeds of bonds and interest on notes.
- 43.83I.120 Bonds and notes--Powers and duties of state finance committee.
- 43.83I.130 Proceeds deposited in fisheries capital projects account--Exception.
- 43.83I.140 1977 fisheries bond retirement fund created.
- 43.83I.150 Legal investment for public funds.

1979 BOND ISSUE

- 43.83I.160 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.
- 43.83I.162 Bond anticipation notes--Payment.
- 43.83I.164 Form, terms, conditions, etc., of bonds and notes--Pledge and promise.
- 43.83I.168 Retirement of bonds from 1977 fisheries bond retirement fund.
- 43.83I.170 Bonds legal investment for public funds.

1981 BOND ISSUE

- 43.83I.172 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.
- 43.83I.174 Bond anticipation notes.
- 43.83I.176 Form, terms, conditions, etc., of bonds and notes--Pledge and promise.
- 43.83I.178 Proceeds deposited in fisheries capital projects account--Use.
- 43.83I.180 Retirement of bonds from 1977 fisheries bond retirement fund.
- 43.83I.182 Bonds legal investment for public funds.

1983 BOND ISSUE

- 43.83I.184 General obligation bonds--Authorized--Issuance--Appropriation required.
- 43.83I.186 Deposit of proceeds in fisheries capital projects account--Use.
- 43.83I.188 Administration of proceeds.
- 43.83I.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83I.192 Legislature may provide additional means for payment of bonds.
- 43.83I.194 Bonds legal investment for public funds.

CONSTRUCTION

- 43.83I.900 Severability--1975-'76 2nd ex.s. c 132.
- 43.83I.910 Severability--1977 ex.s. c 343.
- 43.83I.912 Severability--1979 ex.s. c 224.
- 43.83I.914 Severability--1981 c 231.
- 43.83I.915 Severability--1983 1st ex.s. c 59.

1975-'76 BOND ISSUE

RCW 43.83I.010 General obligation bonds--Authorized--Issuance, sale, terms, etc.

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the *department of fisheries, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of five million one hundred thirty-two thousand nine hundred dollars, or so much thereof as shall be required to finance the capital projects relating to the *department of fisheries as determined by the legislature in its capital appropriations act, chapter 133, Laws of 1975-'76 2nd ex. sess. for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the Constitution of the state of Washington.

[1975-'76 2nd ex.s. c 132 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

RCW 43.83I.020 Bond anticipation notes--Proceeds of bonds and interest on notes.

When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in RCW 43.83I.010, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

[1975-'76 2nd ex.s. c 132 § 2.]

RCW 43.83I.030 Bonds and notes--Powers and duties of state finance committee.

The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.010 and 43.83I.020, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

[1975-'76 2nd ex.s. c 132 § 3.]

RCW 43.83I.040 Fisheries capital projects account created--Proceeds deposited in--Exception.

Except for that portion of the proceeds required to pay bond anticipation notes pursuant to RCW 43.83I.020, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in RCW 43.83I.010 through 43.83I.060, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund hereby created in the state treasury. All such proceeds shall be used exclusively for the purposes specified in RCW 43.83I.010 through 43.83I.060 and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

[1975-'76 2nd ex.s. c 132 § 4.]

RCW 43.83I.050 1976 fisheries bond retirement fund created.

The 1976 fisheries bond retirement fund is hereby created in the state treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to RCW 43.83I.010 through 43.83I.060.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the

principal of and the interest coming due on such bonds. On July 1st of each such year the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1976 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee.

[1975-'76 2nd ex.s. c 132 § 5.]

RCW 43.83I.060 Legal investment for public funds.

The bonds authorized in RCW 43.83I.010 through 43.83I.060 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1975-'76 2nd ex.s. c 132 § 6.]

1977 BOND ISSUE

RCW 43.83I.100 General obligation bonds--Authorized--Issuance, sale, terms, etc.

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the *department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by RCW 43.83I.100 through 43.83I.150 and 43.83I.910 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1977 ex.s. c 343 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

RCW 43.83I.110 Bond anticipation notes--Proceeds of bonds and interest on notes.

When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in RCW 43.83I.100, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

[1977 ex.s. c 343 § 2.]

RCW 43.83I.120 Bonds and notes--Powers and duties of state finance committee.

The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.100 and 43.83I.110, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

[1977 ex.s. c 343 § 3.]

RCW 43.83I.130 Proceeds deposited in fisheries capital projects account--Exception.

Except for that portion of the proceeds required to pay bond anticipation notes pursuant to RCW 43.83I.110, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in RCW 43.83I.100 through 43.83I.150, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund in the state treasury. All such proceeds shall be used exclusively for the purposes specified in RCW 43.83I.100 through 43.83I.150 and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

[1977 ex.s. c 343 § 4.]

RCW 43.83I.140 1977 fisheries bond retirement fund created.

The 1977 fisheries bond retirement fund is hereby created in the state treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to RCW 43.83I.100 through 43.83I.150.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

[1977 ex.s. c 343 § 5.]

RCW 43.83I.150 Legal investment for public funds.

The bonds authorized in RCW 43.83I.100 through 43.83I.150 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1977 ex.s. c 343 § 6.]

1979 BOND ISSUE

RCW 43.83I.160 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities for the *department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five million forty-five thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83I.160 through 43.83I.170 and 43.83I.912 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1987 1st ex.s. c 3 § 10; 1979 ex.s. c 224 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

Severability--1987 1st ex.s. c 3: See RCW 43.99G.901.

RCW 43.83I.162 Bond anticipation notes--Payment.

When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in RCW 43.83I.160, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

[1979 ex.s. c 224 § 2.]

RCW 43.83I.164 Form, terms, conditions, etc., of bonds and notes--Pledge and promise.

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.160 and 43.83I.162, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

[1979 ex.s. c 224 § 3.]

RCW 43.83I.168 Retirement of bonds from 1977 fisheries bond retirement fund.

The 1977 fisheries bond retirement fund in the state treasury shall be used for the purpose of the payment of the principal of and interest on the bonds authorized to be issued under RCW 43.83I.160 through 43.83I.170.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

[1979 ex.s. c 224 § 5.]

RCW 43.83I.170 Bonds legal investment for public funds.

The bonds authorized in RCW 43.83I.160 through 43.83I.168 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1979 ex.s. c 224 § 6.]

1981 BOND ISSUE

RCW 43.83I.172 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities for the *department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million five hundred thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83I.172 through 43.83I.182 may be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1981 c 231 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

RCW 43.83I.174 Bond anticipation notes.

When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in RCW 43.83I.172, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes."

[1981 c 231 § 2.]

RCW 43.83I.176 Form, terms, conditions, etc., of bonds and notes--Pledge and promise.

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.172 and 43.83I.174, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

[1981 c 231 § 3.]

RCW 43.83I.178 Proceeds deposited in fisheries capital projects account--Use.

The proceeds from the sale of the bonds and/or bond anticipation notes authorized in RCW 43.83I.172 through 43.83I.182, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund in the state treasury. All of these proceeds shall be used exclusively for the purposes specified in RCW 43.83I.172 through 43.83I.182 and for the payment of the expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

[1981 c 231 § 4.]

RCW 43.83I.180 Retirement of bonds from 1977 fisheries bond retirement fund.

The 1977 fisheries bond retirement fund in the state treasury shall be used for the purpose of the payment of the principal of and interest on the bonds authorized to be issued under RCW 43.83I.172 through 43.83I.182.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

[1981 c 231 § 5.]

RCW 43.83I.182 Bonds legal investment for public funds.

The bonds authorized in RCW 43.83I.172 through 43.83I.180 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1981 c 231 § 6.]

1983 BOND ISSUE

RCW 43.83I.184 General obligation bonds--Authorized--Issuance--Appropriation required.

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, refurbishing, furnishing, and equipping of state buildings and facilities for the *department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million one hundred sixty-five thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

[1983 1st ex.s. c 59 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

RCW 43.83I.186 Deposit of proceeds in fisheries capital projects account--Use.

The proceeds from the sale of the bonds authorized in RCW 43.83I.184 shall be deposited in the fisheries capital projects account in the state general fund and shall be used exclusively for the purposes specified in RCW 43.83I.184 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1983 1st ex.s. c 59 § 2.]

RCW 43.83I.188 Administration of proceeds.

The proceeds from the sale of the bonds deposited under RCW 43.83I.186 in the fisheries capital projects account of the general fund shall be administered by the department of fish and wildlife, subject to legislative appropriation.

[1994 c 264 § 29; 1983 1st ex.s. c 59 § 3.]

RCW 43.83I.190 Retirement of bonds from state general obligation bond retirement

fund--Pledge and promise--Remedies of bondholders.

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.83I.184.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83I.184 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1983 1st ex.s. c 59 § 4.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83I.192 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83I.184, and RCW 43.83I.190 shall not be deemed to provide an exclusive method for the payment.

[1983 1st ex.s. c 59 § 5.]

RCW 43.83I.194 Bonds legal investment for public funds.

The bonds authorized in RCW 43.83I.184 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1983 1st ex.s. c 59 § 6.]

CONSTRUCTION

RCW 43.83I.900 Severability--1975-'76 2nd ex.s. c 132.

If any provision of this 1976 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975-'76 2nd ex.s. c 132 § 8.]

RCW 43.831.910 Severability--1977 ex.s. c 343.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1977 ex.s. c 343 § 7.]

RCW 43.831.912 Severability--1979 ex.s. c 224.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 224 § 7.]

RCW 43.831.914 Severability--1981 c 231.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1981 c 231 § 7.]

RCW 43.831.915 Severability--1983 1st ex.s. c 59.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 1st ex.s. c 59 § 7.]

**Chapter 43.84 RCW
INVESTMENTS AND INTERFUND LOANS**

Sections

- 43.84.031 Management of permanent funds--Procedural policies--Limitation on purchase, sale or exchange prices for securities.
- 43.84.041 Management of permanent funds--Disposition of securities.
- 43.84.051 Management of permanent funds--Collection of interest, income and principal of securities--Disposition.
- 43.84.061 Management of permanent funds in accordance with established standards.
- 43.84.080 Investment of current state funds.
- 43.84.092 Deposit of surplus balance investment earnings--Treasury income account--Accounts and funds

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| | credited. |
| 43.84.095 | Exemption from reserve fund--Motor vehicle fund income from United States securities. |
| 43.84.120 | Investment in state warrants. |
| 43.84.130 | Separate accounting as to permanent school fund. |
| 43.84.140 | Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds. |
| 43.84.150 | Authority of state investment board to invest, reinvest, manage investments acquired. |
| 43.84.160 | Investment counseling fees payable from earnings. |
| 43.84.170 | Investment of surplus moneys in common school fund, agricultural college fund, normal school fund, scientific school fund or university fund. |

Notes:

Federal home owner's loan corporation bonds, valid investment for public and trust funds: RCW 39.60.010.

Firemen's pension board, investments by: RCW 41.16.040.

Highway construction bonds, investment in: Chapter 47.10 RCW.

Housing authority bonds, authorized as legal investments: RCW 35.82.220.

Industrial insurance funds: Chapter 51.44 RCW.

Investment accounting: RCW 43.33A.180.

Judicial retirement--Investment for supplemental retirement: RCW 2.14.080.

Metropolitan municipal corporation obligations, authorized for public deposits: RCW 35.58.510.

Mutual savings banks, investments in state bonds: RCW 32.20.050.

Port district toll facility bonds and notes as legal investments: RCW 53.34.150.

Public utility district revenue obligations as legal investments: RCW 54.24.120.

School building construction bonds: Chapter 28A.525 RCW.

Schools and school districts' bonds, investment of permanent school fund in: State Constitution Art. 16 § 5.

State-wide city employees' retirement system funds: RCW 41.44.100.

United States corporation bonds, valid investment for public and trust funds: RCW 39.60.010.

Urban renewal bonds: RCW 35.81.110.

RCW 43.84.031 Management of permanent funds--Procedural policies--Limitation on purchase, sale or exchange prices for securities.

Subject to the limitation of authority delegated by RCW 43.84.031 through 43.84.061 and RCW 43.84.150, the state investment board shall adopt procedural policies governing the management of said permanent trust funds.

[1981 c 3 § 17; 1973 1st ex.s. c 103 § 5; 1965 ex.s. c 104 § 3.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

State investment board: Chapter 43.33A RCW.

RCW 43.84.041 Management of permanent funds--Disposition of securities.

All securities purchased or held on behalf of said funds, shall be held and disbursed through the state treasury and shall be in the physical custody of the state treasurer, who may

deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof.

[1965 ex.s. c 104 § 4.]

RCW 43.84.051 Management of permanent funds--Collection of interest, income and principal of securities--Disposition.

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his or her custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue, less the allocation to the state treasurer's service account [fund] pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

[1991 sp.s. c 13 § 93; 1965 ex.s. c 104 § 5.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.84.061 Management of permanent funds in accordance with established standards.

Any investments made hereunder by the state investment board shall be made in accordance with the standards established in RCW 43.33A.140.

[1998 c 14 § 3; 1965 ex.s. c 104 § 6.]

RCW 43.84.080 Investment of current state funds.

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In motor vehicle fund warrants when authorized by agreement between the state treasurer and the department of transportation requiring repayment of invested funds from any

moneys in the motor vehicle fund available for state highway construction;

(4) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(5) Bankers' acceptances purchased on the secondary market;

(6) Negotiable certificates of deposit of any national or state commercial or mutual savings bank or savings and loan association doing business in the United States: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board;

(7) Commercial paper: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board.

[1982 c 148 § 1; 1981 c 3 § 18; 1979 ex.s. c 154 § 1; 1975 1st ex.s. c 4 § 1; 1971 c 16 § 1; 1967 c 211 § 1; 1965 c 8 § 43.84.080. Prior: 1961 c 281 § 11; 1955 c 197 § 1; 1935 c 91 § 1; RRS § 5508-1.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1961 c 281: See note following RCW 47.12.180.

Motor vehicle fund warrants for state highway acquisition: RCW 47.12.180 through 47.12.240.

RCW 43.84.092 Deposit of surplus balance investment earnings--Treasury income account--Accounts and funds credited. (Effective until March 1, 2002.)

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall

occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the public health supplemental account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving

fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

[2001 2nd sp.s. c 14 § 607; 2001 c 273 § 5; 2001 c 141 § 2; 2001 c 80 § 4; 2000 2nd sp.s. c 4 § 5; 2000 c 79 § 39. Prior: (2000 2nd sp.s. c 4 §§ 3, 4 expired September 1, 2000); (2000 c 79 §§ 37, 38 expired September 1, 2000); 1999 c 380 § 9; 1999 c 380 § 8; 1999 c 309 § 929; (1999 c 309 § 928 expired September 1, 2000); 1999 c 268 § 5; (1999 c 268 § 4 expired September 1, 2000); 1999 c 94 § 4; (1999 c 94 §§ 2, 3 expired September 1, 2000); 1998 c 341 § 708; 1997 c 218 § 5; 1996 c 262 § 4; prior: 1995 c 394 § 1; 1995 c 122 § 12; prior: 1994 c 2 § 6 (Initiative Measure No. 601, approved November 2, 1993); 1993 sp.s. c 25 § 511; 1993 sp.s. c 8 § 1; 1993 c 500 § 6; 1993 c 492 § 473; 1993 c 445 § 4; 1993 c 329 § 2; 1993 c 4 § 9; 1992 c 235 § 4; 1991 sp.s. c 13 § 57; 1990 2nd ex.s. c 1 § 204; 1989 c 419 § 12; 1985 c 57 § 51.]

NOTES:

Reviser's note: This section was amended by 2001 c 80 § 4, 2001 c 141 § 2, 2001 c 273 § 5, and by 2001 2nd sp.s. c 14 § 607, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Expiration date--2001 2nd sp.s. c 14 § 607: "Section 607 of this act expires March 1, 2002." [2001 2nd sp.s. c 14 § 610.]

Severability--Effective date--2001 2nd sp.s. c 14: See notes following RCW 47.04.210.

Expiration date--2001 c 273 § 5: "Section 5 of this act expires March 1, 2002." [2001 c 273 § 7.]

Purpose--2001 c 141: "This act is needed to comply with federal law, which is the source of funds in the drinking water assistance account, used to fund the Washington state drinking water loan program as part of the federal safe drinking water act." [2001 c 141 § 1.]

Expiration date--2001 c 141 § 2: "Section 2 of this act expires March 1, 2002." [2001 c 141 § 5.]

Expiration date--2001 c 80 § 4: "Section 4 of this act expires March 1, 2002." [2001 c 80 § 6.]

Findings--Intent--2001 c 80: See note following RCW 43.70.040.

Expiration date--2000 2nd sp.s. c 4 §§ 3 and 4: "Sections 3 and 4 of this act expire September 1, 2000."

[2000 2nd sp.s. c 4 § 37.]

Effective date--2000 2nd sp.s. c 4 §§ 1-3 and 20: See note following RCW 82.08.020.

Effective dates--2000 2nd sp.s. c 4 §§ 4-10: See note following RCW 43.89.010.

Expiration date--2000 c 79 §§ 37 and 38: "Sections 37 and 38 of this act expire September 1, 2000."

[2000 c 79 § 49.]

Effective dates--2000 c 79 §§ 26, 38, and 39: See note following RCW 48.43.041.

Severability--2000 c 79: See note following RCW 48.04.010.

Severability--Effective date--1999 c 380: See RCW 43.99P.900 and 43.99P.901.

Expiration date--1999 c 309 § 928: "Section 928 of this act expires September 1, 2000." [1999 c 309 § 930.]

Effective dates--1999 c 309 §§ 927-929, 931, and 1101-1902: See note following RCW 43.79.480.

Severability--1999 c 309: See note following RCW 41.06.152.

Effective date--1999 c 268 § 5: "Section 5 of this act takes effect September 1, 2000." [1999 c 268 § 7.]

Expiration date--1999 c 268 § 4: "Section 4 of this act expires September 1, 2000." [1999 c 268 § 6.]

Expiration date--1999 c 94 §§ 2 and 3: "Sections 2 and 3 of this act expire September 1, 2000." [1999 c 94 § 36.]

Legislative finding--1999 c 94: "The legislature finds that a periodic review of the accounts and their uses is necessary. While creating new accounts may facilitate the implementation of legislative intent, the creation of too many accounts limits the effectiveness of performance-based budgeting. Too many accounts also limit the flexibility of the legislature to address emerging and changing issues in addition to creating administrative burdens for the responsible agencies. Accounts created for specific purposes may no longer be valid or needed. Accordingly, this act eliminates accounts that are not in use or are unneeded and consolidates accounts that are similar in nature." [1999 c 94 § 1.]

Effective dates--1999 c 94: "(1) Sections 1, 2, 5 through 24, 29 through 31, and 33 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999.

(2) Section 4 of this act takes effect September 1, 2000.

(3) Sections 32 and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 1999.

(4) Sections 3, 25 through 28, and 34 of this act take effect July 1, 2000." [1999 c 94 § 35.]

Effective date--1998 c 341: See RCW 41.35.901.

Findings--Effective date--1997 c 218: See notes following RCW 70.119.030.

Transportation infrastructure account--Highway infrastructure account--Finding--Intent--Purpose--1996 c 262: See RCW 82.44.195.

Effective date--1996 c 262: See note following RCW 82.44.190.

Effective date--1995 c 394: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 1995." [1995 c 394 § 3.]

Declaration--Intent--Purpose--1995 c 122: See RCW 59.21.006.

Severability--Effective date--1995 c 122: See RCW 59.21.904 and 59.21.905.

Severability--Effective dates--1994 c 2 (Initiative Measure No. 601): See RCW 43.135.903 and 43.135.904.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

Findings--Intent--1993 sp.s. c 25: See note following RCW 82.45.010.

Effective date--Application--1993 sp.s. c 8: "This act shall take effect July 1, 1993, but shall not be effective for earnings on balances prior to July 1, 1993." [1993 sp.s. c 8 § 3.]

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Effective date--1993 c 329: See note following RCW 90.50A.020.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Applicability--1990 2nd ex.s. c 1: See note following RCW 82.14.050.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Intent--Effective date--1989 c 419: See notes following RCW 4.92.006.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.84.092 Deposit of surplus balance investment earnings--Treasury income account--Accounts and funds credited. (*Effective March 1, 2002.*)

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the

drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund,

the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

[2001 2nd sp.s. c 14 § 608; 2001 c 273 § 6; 2001 c 141 § 3; 2001 c 80 § 5; 2000 2nd sp.s. c 4 § 6. Prior: 2000 2nd sp.s. c 4 § 5; (2000 2nd sp.s. c 4 §§ 3, 4 expired September 1, 2000); 2000 c 247 § 702; 2000 c 79 § 39; (2000 c 79 §§ 37, 38 expired September 1, 2000); prior: 1999 c 380 § 9; 1999 c 380 § 8; 1999 c 309 § 929; (1999 c 309 § 928 expired September 1, 2000); 1999 c 268 § 5; (1999 c 268 § 4 expired September 1, 2000); 1999 c 94 § 4; (1999 c 94 §§ 2, 3 expired September 1, 2000); 1998 c 341 § 708; 1997 c 218 § 5; 1996 c 262 § 4; prior: 1995 c 394 § 1; 1995 c 122 § 12; prior: 1994 c 2 § 6 (Initiative Measure No. 601, approved November 2, 1993); 1993 sp.s. c 25 § 511; 1993 sp.s. c 8 § 1; 1993 c 500 § 6; 1993 c 492 § 473; 1993 c 445 § 4; 1993 c 329 § 2; 1993 c 4 § 9; 1992 c 235 § 4; 1991 sp.s. c 13 § 57; 1990 2nd ex.s. c 1 § 204; 1989 c 419 § 12; 1985 c 57 § 51.]

NOTES:

Reviser's note: This section was amended by 2001 c 80 § 5, 2001 c 141 § 3, 2001 c 273 § 6, and by 2001 2nd sp.s. c 14 § 608, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--2001 2nd sp.s. c 14 § 608: "Section 608 of this act takes effect March 1, 2002." [2001 2nd sp.s. c 14 § 611.]

Severability--Effective date--2001 2nd sp.s. c 14: See notes following RCW 47.04.210.

Effective date--2001 c 273 § 6: "Section 6 of this act takes effect March 1, 2002." [2001 c 273 § 8.]

Effective date--2001 c 141 § 3: "Section 3 of this act takes effect March 1, 2002." [2001 c 141 § 6.]

Purpose--2001 c 141: See note following RCW 43.84.092.

Effective date--2001 c 80 § 5: "Section 5 of this act takes effect March 1, 2002." [2001 c 80 § 7.]

Findings--Intent--2001 c 80: See note following RCW 43.70.040.

Expiration date--2000 2nd sp.s. c 4 §§ 3 and 4: "Sections 3 and 4 of this act expire September 1, 2000."

[2000 2nd sp.s. c 4 § 37.]

Effective date--2000 2nd sp.s. c 4 §§ 1-3 and 20: See note following RCW 82.08.020.

Effective dates--2000 2nd sp.s. c 4 §§ 4-10: See note following RCW 43.89.010.

Effective dates--Subchapter headings not law--2000 c 247: See RCW 41.40.931 and 41.40.932.

Expiration date--2000 c 79 §§ 37 and 38: "Sections 37 and 38 of this act expire September 1, 2000."

[2000 c 79 § 49.]

Effective dates--2000 c 79 §§ 26, 38, and 39: See note following RCW 48.43.041.

Severability--2000 c 79: See note following RCW 48.04.010.

Severability--Effective date--1999 c 380: See RCW 43.99P.900 and 43.99P.901.

Expiration date--1999 c 309 § 928: "Section 928 of this act expires September 1, 2000." [1999 c 309 § 930.]

Effective dates--1999 c 309 §§ 927-929, 931, and 1101-1902: See note following RCW 43.79.480.

Severability--1999 c 309: See note following RCW 41.06.152.

Effective date--1999 c 268 § 5: "Section 5 of this act takes effect September 1, 2000." [1999 c 268 § 7.]

Expiration date--1999 c 268 § 4: "Section 4 of this act expires September 1, 2000." [1999 c 268 § 6.]

Expiration date--1999 c 94 §§ 2 and 3: "Sections 2 and 3 of this act expire September 1, 2000." [1999 c

94 § 36.]

Legislative finding--1999 c 94: "The legislature finds that a periodic review of the accounts and their uses is necessary. While creating new accounts may facilitate the implementation of legislative intent, the creation of too many accounts limits the effectiveness of performance-based budgeting. Too many accounts also limit the flexibility of the legislature to address emerging and changing issues in addition to creating administrative burdens for the responsible agencies. Accounts created for specific purposes may no longer be valid or needed. Accordingly, this act eliminates accounts that are not in use or are unneeded and consolidates accounts that are similar in nature." [1999 c 94 § 1.]

Effective dates--1999 c 94: "(1) Sections 1, 2, 5 through 24, 29 through 31, and 33 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999.

(2) Section 4 of this act takes effect September 1, 2000.

(3) Sections 32 and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 1999.

(4) Sections 3, 25 through 28, and 34 of this act take effect July 1, 2000." [1999 c 94 § 35.]

Effective date--1998 c 341: See RCW 41.35.901.

Findings--Effective date--1997 c 218: See notes following RCW 70.119.030.

Transportation infrastructure account--Highway infrastructure account--Finding--Intent--Purpose--1996 c 262: See RCW 82.44.195.

Effective date--1996 c 262: See note following RCW 82.44.190.

Effective date--1995 c 394: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 1995." [1995 c 394 § 3.]

Declaration--Intent--Purpose--1995 c 122: See RCW 59.21.006.

Severability--Effective date--1995 c 122: See RCW 59.21.904 and 59.21.905.

Severability--Effective dates--1994 c 2 (Initiative Measure No. 601): See RCW 43.135.903 and 43.135.904.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

Findings--Intent--1993 sp.s. c 25: See note following RCW 82.45.010.

Effective date--Application--1993 sp.s. c 8: "This act shall take effect July 1, 1993, but shall not be effective for earnings on balances prior to July 1, 1993." [1993 sp.s. c 8 § 3.]

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Effective date--1993 c 329: See note following RCW 90.50A.020.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Applicability--1990 2nd ex.s. c 1: See note following RCW 82.14.050.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Intent--Effective date--1989 c 419: See notes following RCW 4.92.006.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.84.095 Exemption from reserve fund--Motor vehicle fund income from United States securities.

Whenever moneys of the motor vehicle fund shall be invested in bonds, notes, bills or certificates of the United States treasury payable at par upon demand, or within a term not greater than one year, it shall not be necessary to place any portion of the income therefrom in

the reserve fund provided for in *RCW 43.84.090.

[1965 c 8 § 43.84.095. Prior: 1953 c 56 § 1.]

Notes:

*Reviser's note: RCW 43.84.090 was repealed by 1991 sp.s. c 13 § 122, effective July 1, 1991.

RCW 43.84.120 Investment in state warrants.

Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, and over and above the amount belonging to the permanent school fund as shown by the separation made by the state treasurer, the state treasurer may invest such portion of such funds or balances over and above that belonging to the permanent school fund in registered warrants of the state of Washington at such times and in such amounts, and may sell them at such times, as he deems advisable: PROVIDED, That those funds having statutory authority to make investments are excluded from the provisions of RCW 43.84.120.

Upon such investment being made, the state treasurer shall pay into the appropriate fund the amount so invested, and the warrants so purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon and allocate the same to the proper fund or funds.

[1971 ex.s. c 88 § 4; 1965 c 8 § 43.84.120. Prior: 1951 c 232 § 2.]

Notes:

Severability--1971 ex.s. c 88: See note following RCW 43.08.070.

RCW 43.84.130 Separate accounting as to permanent school fund.

For the purposes of RCW 43.84.120 the state treasurer shall make and keep an accounting separation of the amount of cash balances in the state treasury belonging to the permanent school fund.

[1965 c 8 § 43.84.130. Prior: 1951 c 232 § 1.]

RCW 43.84.140 Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds.

The state investment board is authorized to invest moneys in the scientific school permanent fund and the agricultural college permanent fund in regents' revenue bonds issued by the board of regents of Washington State University for the purposes provided for in RCW 28B.10.300 and to invest moneys in the state university permanent fund in regents' revenue bonds issued by the board of regents of the University of Washington for the purposes provided in RCW 28B.10.300.

[1981 c 3 § 19; 1965 c 8 § 43.84.140. Prior: 1959 c 150 § 1.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.84.150 Authority of state investment board to invest, reinvest, manage investments acquired.

Except where otherwise specifically provided by law, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired. Investments shall be made in accordance with RCW 43.33A.140 and investment policy duly established and published by the state investment board.

[1998 c 14 § 4; 1981 c 98 § 1; 1981 c 3 § 20; 1979 c 119 § 3; 1977 ex.s. c 251 § 5; 1975-'76 2nd ex.s. c 17 § 2. Prior: 1975 1st ex.s. c 252 § 1; 1975 1st ex.s. c 81 § 1; 1973 1st ex.s. c 103 § 12.]

Notes:

Effective date--1981 c 98: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 98 § 2.]

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

RCW 43.84.160 Investment counseling fees payable from earnings.

Investment counseling fees established by contract shall be payable from the investment earnings derived from those assets being managed by investment counsel.

[1973 1st ex.s. c 103 § 13.]

Notes:

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

RCW 43.84.170 Investment of surplus moneys in common school fund, agricultural college fund, normal school fund, scientific school fund or university fund.

Whenever there are surplus moneys available for investment in the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, or the university permanent fund, the state investment board has full power to invest or reinvest such funds in the manner prescribed by RCW 43.84.150, and not otherwise.

[1981 c 3 § 21; 1973 1st ex.s. c 103 § 14.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

Agricultural permanent fund: RCW 43.79.130.

Normal school permanent fund: RCW 43.79.160.

Permanent common school fund: State Constitution Art. 9 § 3, RCW 28A.515.300.

Scientific permanent fund: RCW 43.79.110.

University permanent fund: RCW 43.79.060.

**Chapter 43.85 RCW
STATE DEPOSITARIES**

Sections

| | |
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| 43.85.070 | Deposits deemed in state treasury--Liability. |
| 43.85.130 | Deposit of commissioner of public lands and department of natural resources funds--Natural resources deposit fund--Repayments. |
| 43.85.190 | Investment deposits and rate of interest. |
| 43.85.200 | Investment deposits and rate of interest--State moneys defined. |
| 43.85.210 | Investment deposits and rate of interest--Demand and time accounts authorized. |
| 43.85.220 | Investment deposits and rate of interest--Members of federal reserve or federal deposit insurance corporation. |
| 43.85.230 | Investment deposits and rate of interest--Term deposit basis. |

Notes:

Public depositaries, deposit and investment of public funds: Chapter 39.58 RCW.

RCW 43.85.070 Deposits deemed in state treasury--Liability.

The state treasurer may deposit with any qualified public depositary which has fully complied with all requirements of law and the regulations of the public deposit protection commission any state moneys in his hands or under his official control and any sum so on deposit shall be deemed to be in the state treasury, and he shall not be liable for any loss thereof resulting from the failure or default of any such depositary without fault or neglect on his part or on the part of his assistants or clerks.

[1969 ex.s. c 193 § 18; 1965 c 8 § 43.85.070. Prior: 1945 c 129 § 2; 1943 c 134 § 1; 1935 c 139 § 3; 1931 c 87 § 2; 1907 c 37 § 4; Rem. Supp. 1945 § 5551.]

Notes:

Construction--Severability--1969 ex.s. c 193: See notes following RCW 39.58.010.
Liability of treasurers for losses of deposits: RCW 39.58.140.

RCW 43.85.130 Deposit of commissioner of public lands and department of natural resources funds--Natural resources deposit fund--Repayments.

(1) The department shall deposit daily all moneys and fees collected or received by the commissioner of public lands and the department of natural resources in the discharge of official duties as follows:

(a) The department shall pay moneys received as advance payments, deposits, and security from successful bidders under RCW 79.01.132 and 79.01.204 to the state treasurer for deposit under subsection (1)(b) of this section. Moneys received from unsuccessful bidders shall be returned as provided in RCW 79.01.204;

(b) The department shall pay all moneys received on behalf of a trust fund or account to the state treasurer for deposit in the trust fund or account after making the deduction authorized under RCW 76.12.030, 76.12.120, and 79.64.040;

(c) The natural resources deposit fund is hereby created. The state treasurer is the custodian of the fund. All moneys or sums which remain in the custody of the commissioner of public lands awaiting disposition or where the final disposition is not known shall be deposited into the natural resources deposit fund. Disbursement from the fund shall be on the authorization of the commissioner or the commissioner's designee, without necessity of appropriation;

(d) If it is required by law that the department repay moneys disbursed under subsections (1)(a) and (1)(b) of this section the state treasurer shall transfer such moneys, without necessity of appropriation, to the department upon demand by the department from those trusts and accounts originally receiving the moneys.

(2) Money shall not be deemed to have been paid to the state upon any sale or lease of land until it has been paid to the state treasurer.

[1981 2nd ex.s. c 4 § 1; 1965 c 8 § 43.85.130. Prior: (i) 1911 c 51 § 1; RRS § 5555. (ii) 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]

Notes:

Moneys received and invested prior to December 1, 1981: "Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.01.132 and 79.01.204, which have been invested prior to December 1, 1981, in time deposits, shall be subject to RCW 43.85.130 as each time deposit matures." [1981 2nd ex.s. c 4 § 2.]

Severability--1981 2nd ex.s. c 4: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 2nd ex.s. c 4 § 16.]

RCW 43.85.190 Investment deposits and rate of interest.

It is the purpose of RCW 43.85.190 through 43.85.230 to authorize the state treasurer to make investment deposits of state moneys or funds in his custody in qualified public depositories at a rate of interest permitted by any applicable statute or regulation.

[1983 c 66 § 17; 1983 c 3 § 113; 1969 ex.s. c 193 § 21; 1965 c 8 § 43.85.190. Prior: 1955 c 198 § 1.]

Notes:

Severability--1983 c 66: See note following RCW 39.58.010.

Construction--Severability--1969 ex.s. c 193: See notes following RCW 39.58.010.

RCW 43.85.200 Investment deposits and rate of interest--State moneys defined.

All moneys or funds belonging to or in the custody of the state under the control of the state treasurer shall be considered as state moneys or funds.

[1965 c 8 § 43.85.200. Prior: 1955 c 198 § 2.]

RCW 43.85.210 Investment deposits and rate of interest--Demand and time accounts authorized.

The state treasurer may deposit state moneys or funds at interest in any qualified public depository upon a demand or time account basis.

[1983 c 66 § 18; 1965 c 8 § 43.85.210. Prior: 1955 c 198 § 3.]

Notes:

Severability--1983 c 66: See note following RCW 39.58.010.

RCW 43.85.220 Investment deposits and rate of interest--Members of federal reserve or federal deposit insurance corporation.

If state depositories are member banks of the federal reserve system, or are banks the deposits of which, within certain limits, are insured by the federal deposit insurance corporation and, as such, are prohibited by a statute of the United States or by a lawful regulation of the federal reserve system or of the federal deposit insurance corporation, or of any authorized agency of the federal government, from paying interest upon demand deposits of public funds of a state, the payment of interest shall not be required of such depositories to the extent and for the period of time that payment thereof is prohibited.

[1965 c 8 § 43.85.220. Prior: 1955 c 198 § 4.]

RCW 43.85.230 Investment deposits and rate of interest--Term deposit basis.

The state treasurer may deposit moneys not required to meet current demands upon a term deposit basis not to exceed five years at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state treasurer and any qualified public depository.

[1993 c 512 § 32; 1984 c 177 § 20; 1983 c 66 § 19; 1965 c 8 § 43.85.230. Prior: 1955 c 198 § 5.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

Severability--1983 c 66: See note following RCW 39.58.010.

**Chapter 43.86A RCW
SURPLUS FUNDS--INVESTMENT PROGRAM**

Sections

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| 43.86A.010 | Finding--Objectives. |
| 43.86A.020 | Surplus funds held as demand deposits to be limited. |
| 43.86A.030 | Time certificate of deposit investment program--Funds available for--Allocation. |
| 43.86A.040 | Other investment powers of state treasurer not limited. |

- 43.86A.050 Implementation of chapter by state treasurer.
- 43.86A.060 Linked deposit program--Minority and women's business enterprises.
- 43.86A.070 Linked deposit program--Liability.

Notes:

Public funds, deposit and investment, public depositaries: Chapter 39.58 RCW.

RCW 43.86A.010 Finding--Objectives.

The legislature finds that a procedure should be established for the management of short term treasury surplus funds by the state treasurer in order to insure a maximum return while they are on deposit in public depositaries. The objectives of this procedure are to minimize noninterest earning demand deposits and provide fair compensation to financial institutions for services rendered to the state through the investment of state funds in time deposits.

[1983 c 66 § 20; 1973 c 123 § 1.]

Notes:

Severability--1983 c 66: See note following RCW 39.58.010.

RCW 43.86A.020 Surplus funds held as demand deposits to be limited.

After March 19, 1973, the state treasurer shall limit surplus funds held as demand deposits to an amount necessary for current operating expenses including direct warrant redemption payments, investments and revenue collection. The state treasurer may hold such additional funds as demand deposits as he deems necessary to insure efficient treasury management.

[1973 c 123 § 2.]

RCW 43.86A.030 Time certificate of deposit investment program--Funds available for--Allocation.

(1) Funds held in public depositaries not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositaries an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositaries. These deposits shall be allocated among the participating depositaries on a basis to be determined by the state treasurer.

(2) The state treasurer may use up to fifty million dollars per year of all funds available under this section for the purposes of RCW 43.86A.060. The amounts made available to these

public depositories shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

[1993 c 512 § 33; 1982 c 74 § 1; 1973 c 123 § 3.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.86A.040 Other investment powers of state treasurer not limited.

Except as provided in RCW 43.86A.020 and 43.86A.030, nothing in this chapter shall be construed as a limitation upon the powers of the state treasurer to determine the amount of surplus treasury funds which may be invested in time certificates of deposit.

[1973 c 123 § 4.]

RCW 43.86A.050 Implementation of chapter by state treasurer.

The state treasurer shall devise the necessary formulae and methodology to implement the provisions of this chapter. Periodically, but at least once every six months, the state treasurer shall review all rules and shall adopt, amend or repeal them as may be necessary. These rules and a list of time certificate of deposit allocations shall be published in the treasurer's monthly financial report as required under the provisions of RCW 43.08.150.

[1973 c 123 § 5.]

RCW 43.86A.060 Linked deposit program--Minority and women's business enterprises.

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those that:

(a) Are loans that have terms that do not exceed ten years;

(b) Are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(c) Are made to minority or women's business enterprises that are considered a small business as defined in *RCW 43.31.025;

(d) Are made where the interest rate on the loan to the minority or women's business enterprise does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term; and

(e) Are made where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository.

[1993 c 512 § 30.]

NOTES:

Reviser's note--Sunset Act application: (1) The linked deposit program is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.381. RCW 46.86A.060, 43.63A.690, and 43.86A.070 are scheduled for future repeal under RCW 43.131.382.

* (2) RCW 43.31.025 was repealed by 1993 c 280 § 82, effective July 1, 1994.

Finding--Intent--1993 c 512: "The legislature finds that minority and women's business enterprises have been historically excluded from access to capital in the marketplace. The lack of capital has been a major barrier to the development and expansion of business by various minority groups and women. There has been a significant amount of attention on the capital needs of minority and women's business enterprises. It is the intent of the legislature to remedy the problem of a lack of access to capital by minority and women's business enterprises, and other small businesses by authorizing the state treasurer to operate a program that links state deposits to business loans by financial institutions to minority and women's business enterprises." [1993 c 512 § 29.]

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.86A.070 Linked deposit program--Liability.

The state and those acting as its agents are not liable in any manner for payment of the principal or interest on qualifying loans made under RCW 43.86A.060. Any delay in payments or defaults on the part of the borrower does not in any manner affect the deposit agreement between the qualified public depository and the state treasurer.

[1993 c 512 § 34.]

NOTES:

Sunset Act application: See note following RCW 43.86A.060.

Finding--Intent--1993 c 512: See note following RCW 43.86A.060.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

**Chapter 43.88 RCW
STATE BUDGETING, ACCOUNTING, AND REPORTING SYSTEM**

(Formerly: Budget and accounting)

Sections
43.88.010 Purpose--Intent.

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| 43.88.025 | "Director" defined. |
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| 43.88.902 | Severability--1975 1st ex.s. c 293. |
| 43.88.903 | Severability--1977 c 23. |
| 43.88.910 | Effective date--1975 1st ex.s. c 293. |

NOTES:

Agreements and transactions between state agencies, charges, credits, transfers, and advances: RCW 39.34.130 through 39.34.170.

Debts owed state: RCW 43.17.240.

Director of financial management: Chapter 43.41 RCW.

Displaced homemaker act, contributions for as subject to chapter: RCW 28B.04.110.

Expenditure limit under Initiative 601: Chapter 43.135 RCW.

Funds subject to council for the prevention of child abuse and neglect: RCW 43.121.100.

Investments and interfund loans: Chapter 43.84 RCW.

Post-audit: RCW 43.09.290 through 43.09.330.

Reporting periods: RCW 43.01.035.

State board for community and technical colleges: RCW 28B.50.070.

State finance committee: Chapter 43.33 RCW.

State payroll revolving account, agency payroll revolving fund: RCW 42.16.010 through 42.16.017.

RCW 43.88.010 Purpose--Intent.

It is the purpose of this chapter to establish an effective state budgeting, accounting, and reporting system for all activities of the state government, including both capital and operating expenditures; to prescribe the powers and duties of the governor as these relate to securing such fiscal controls as will promote effective budget administration; and to prescribe the responsibilities of agencies of the executive branch of the state government.

It is the intent of the legislature that the powers conferred by this chapter, as amended, shall be exercised by the executive in cooperation with the legislature and its standing, special, and interim committees in its status as a separate and coequal branch of state government.

[1986 c 215 § 1; 1981 c 270 § 1; 1973 1st ex.s. c 100 § 1; 1965 c 8 § 43.88.010. Prior: 1959 c 328 § 1.]

Notes:

Effective date--1981 c 270: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 270 § 18.]

Severability--1981 c 270: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 270 § 17.]

RCW 43.88.020 Definitions.

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or

classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the ways and means and transportation committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the transportation revenue forecast council.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the

appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

[2000 2nd sp.s. c 4 § 11; 1996 c 288 § 23; 1995 c 155 § 1; 1994 c 184 § 9; 1993 c 406 § 2; 1991 c 358 § 6; 1990 c 229 § 4; 1987 c 502 § 1; 1986 c 215 § 2; 1984 c 138 § 6; 1982 1st ex.s. c 36 § 1. Prior: 1981 c 280 § 6; 1981 c 270 § 2; 1980 c 87 § 25; 1979 c 151 § 135; 1975-'76 2nd ex.s. c 83 § 4; 1973 1st ex.s. c 100 § 2; 1969 ex.s. c 239 § 9; 1965 c 8 § 43.88.020; prior: 1959 c 328 § 2.]

Notes:

Short title--1993 c 406: "This act may be known and cited as the performance-based government act of 1993." [1993 c 406 § 7.]

Effective date--1991 c 358: See note following RCW 43.88.030.

Effective date--1990 c 229: See note following RCW 41.06.087.

Effective date--1981 c 280: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 280 § 10.]

Severability--1981 c 280: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 280 § 9.]

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Office of financial management: Chapter 43.41 RCW.

RCW 43.88.025 "Director" defined.

Unless the context clearly requires a different interpretation, whenever "director" is used in this chapter, it shall mean the director of financial management created in RCW 43.41.060.

[1979 c 151 § 136; 1969 ex.s. c 239 § 10.]

RCW 43.88.027 Annual financial report.

The governor, through the director, shall prepare and publish within six months of the end of the fiscal year, as a matter of public record, an annual financial report that encompasses all funds and account groups of the state.

[1984 c 247 § 2.]

RCW 43.88.030 Instructions for submitting budget requests--Content of the budget document or documents--Separate budget document or schedules--Format changes.

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified

under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget

document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

[2000 2nd sp.s. c 4 § 12; 1998 c 346 § 910. Prior: 1997 c 168 § 5; 1997 c 96 § 4; prior: 1994 c 247 § 7; 1994 c 219 § 2; prior: 1991 c 358 § 1; 1991 c 284 § 1; 1990 c 115 § 1; prior: 1989 c 311 § 3; 1989 c 11 § 18; 1987 c 502 § 2; prior: 1986 c 215 § 3; 1986 c 112 § 1; 1984 c 138 § 7; 1981 c 270 § 3; 1980 c 87 § 26; 1977 ex.s. c 247 § 1; 1973 1st ex.s. c 100 § 3; 1965 c 8 § 43.88.030; prior: 1959 c 328 § 3.]

Notes:

Construction--Severability--Effective date--1998 c 346: See notes following RCW 50.24.014.

Effective date--1997 c 168: See RCW 43.88C.900.

Findings--Purpose--1997 c 96: See note following RCW 43.82.150.

Effective date--1994 c 247: See note following RCW 41.32.4991.

Finding--1994 c 219: "The legislature finds that the acquisition, construction, and management of state-owned and leased facilities has a profound and long-range effect upon the delivery and cost of state programs, and that there is an increasing need for better facility planning and management to improve the effectiveness and efficiency of state facilities." [1994 c 219 § 1.]

Effective date--1991 c 358: "This act shall take effect April 1, 1992." [1991 c 358 § 8.]

Severability--1989 c 11: See note following RCW 9A.56.220.

RCW 43.88.031 Capital appropriation bill--Estimated general fund debt service costs.

A capital appropriation bill shall include the estimated general fund debt service costs

associated with new capital appropriations contained in that bill for the biennia in which the appropriations occur and for the succeeding two biennia.

[1991 c 284 § 2.]

RCW 43.88.032 Maintenance costs, operating budget--Debt-financed pass-through money, budget document.

(1) Normal maintenance costs shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the budget document.

[1997 c 96 § 5; 1994 c 219 § 4; 1989 c 311 § 1.]

Notes:

Findings--Purpose--1997 c 96: See note following RCW 43.82.150.

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.88.033 State expenditure limit--Budget document to reflect.

The budget document submitted by the governor to the legislature under RCW 43.88.030 shall reflect the state expenditure limit established under chapter 43.135 RCW and shall not propose expenditures in excess of that limit.

[1994 c 2 § 7 (Initiative Measure No. 601, approved November 2, 1993).]

Notes:

Severability--Effective dates--1994 c 2 (Initiative Measure No. 601): See RCW 43.135.903 and 43.135.904.

RCW 43.88.035 Changes in accounting methods, practices or statutes--Explanation in budget document or appendix required--Contents.

Any changes in accounting methods and practices or in statutes affecting expenditures or revenues for the ensuing biennium relative to the then current fiscal period which the governor may wish to recommend shall be clearly and completely explained in the text of the budget document, in a special appendix thereto, or in an alternative budget document. This explanatory material shall include, but need not be limited to, estimates of revenues and expenditures based on the same accounting practices and methods and existing statutes relating to revenues and expenditure effective for the then current fiscal period, together with alternative estimates required by any changes in accounting methods and practices and by any statutory changes the governor may wish to recommend.

[1973 1st ex.s. c 100 § 9.]

RCW 43.88.037 Comprehensive budgeting, accounting, and reporting system conforming to generally accepted accounting principles--Budget document to conform.

(1) The director of financial management shall devise and maintain a comprehensive budgeting, accounting, and reporting system in conformance with generally accepted accounting principles applicable to state governments, as published in the accounting procedures manual pursuant to RCW 43.88.160(1).

(2) The director of financial management shall submit a budget document in conformance with generally accepted accounting principles applicable to state governments, as published in the accounting procedures manual pursuant to RCW 43.88.160(1).

[1987 c 502 § 3; 1984 c 247 § 1.]

RCW 43.88.050 Cash deficit.

Cash deficit of the current fiscal period is defined for purposes of this chapter as the amount by which the aggregate of disbursements charged to a fund will exceed the aggregate of estimated receipts credited to such fund in the current fiscal period, less the extent to which such deficit may have been provided for from available beginning cash surplus.

If, for any applicable fund or account, the estimated receipts for the next ensuing period plus cash beginning balances is less than the aggregate of estimated disbursements proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document proposals as to the manner in which the anticipated cash deficit shall be met, whether by an increase in the indebtedness of the state, by the imposition of new taxes, by increases in tax rates or an extension thereof, or in any like manner. The governor may propose orderly liquidation of the anticipated cash deficit over a period of one or more fiscal periods, if, in the governor's discretion, such manner of liquidation would best serve the public interest.

[1987 c 502 § 4; 1965 c 8 § 43.88.050. Prior: 1959 c 328 § 5.]

Notes:

Exception: RCW 43.88.265.

RCW 43.88.060 Legislative review of budget document and budget bill or bills--Time for submission.

The governor shall submit the budget document for the 1975-77 biennium and each succeeding biennium to the legislature no later than the twentieth day of December in the year preceding the session during which the budget is to be considered: PROVIDED, That where a budget document is submitted for a fiscal period other than a biennium, such document shall be submitted no less than twenty days prior to the first day of the session at which such budget document is to be considered. The governor shall also submit a budget bill or bills which for purposes of this chapter is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose shall, when requested, by either house of the legislature, appear to be

heard with respect to the budget document and the budget bill or bills and to supply such additional information as may be required.

[1977 ex.s. c 247 § 2; 1973 1st ex.s. c 100 § 4; 1965 c 8 § 43.88.060. Prior: 1959 c 328 § 6.]

RCW 43.88.067 Fee and expense report--Impact of amounts awarded to prevailing party in agency action.

The office of financial management shall create a report annually on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to RCW 4.84.340 through 4.84.360. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

[1999 c 372 § 10; 1995 c 403 § 905.]

Notes:

Findings--1995 c 403: See note following RCW 4.84.340.

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.88.070 Appropriations.

Appropriations shall be deemed maximum authorizations to incur expenditures but the governor shall exercise all due supervision and control to ensure that expenditure rates are such that program objectives are realized within these maximums.

[1965 c 8 § 43.88.070. Prior: 1959 c 328 § 7.]

RCW 43.88.080 Adoption of budget.

Adoption of the omnibus appropriation bill or bills by the legislature shall constitute adoption of the budget and the making of appropriations therefor. A budget for state government shall be finally adopted not later than thirty calendar days prior to the beginning of the ensuing biennium.

[1973 1st ex.s. c 100 § 5; 1965 c 8 § 43.88.080. Prior: 1959 c 328 § 8.]

RCW 43.88.090 Development of budget--Detailed estimates--Mission statement, measurable goals, program objectives--Integration of strategic plans and performance assessment procedures--Governor-elect input.

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions

shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110. The estimates must reflect that the agency considered any alternatives to reduce costs or improve service delivery identified in the findings of a performance audit of the agency by the joint legislative audit and review committee. Nothing in this subsection requires performance audit findings to be published as part of the budget.

(2) Each state agency shall define its mission and establish measurable goals for achieving desirable results for those who receive its services and the taxpayers who pay for those services. Each agency shall also develop clear strategies and timelines to achieve its goals. This section does not require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. The mission and goals of each agency must conform to statutory direction and limitations.

(3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives must be consistent with the missions and goals developed under this section. The objectives must be expressed to the extent practicable in outcome-based, objective, and measurable form unless an exception to adopt a different standard is granted by the office of financial management and approved by the legislative committee on performance review. The office of financial management shall provide necessary professional and technical assistance to assist state agencies in the development of strategic plans that include the mission of the agency and its programs, measurable goals, strategies, and performance measurement systems.

(4) Each state agency shall adopt procedures for continuous self-assessment of each program and activity, using the mission, goals, objectives, and measurements required under subsections (2) and (3) of this section.

(5) It is the policy of the legislature that each agency's budget proposals must be directly linked to the agency's stated mission and program goals and objectives. Consistent with this policy, agency budget proposals must include integration of performance measures that allow objective determination of a program's success in achieving its goals. The office of financial management shall develop a plan to merge the budget development process with agency performance assessment procedures. The plan must include a schedule to integrate agency strategic plans and performance measures into agency budget requests and the governor's budget proposal over three fiscal biennia. The plan must identify those agencies that will implement the revised budget process in the 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium. In consultation with the legislative fiscal committees, the office of financial management shall recommend statutory and procedural modifications to the state's budget, accounting, and reporting systems to facilitate the performance assessment procedures and the merger of those procedures with the state budget process. The plan and recommended statutory

and procedural modifications must be submitted to the legislative fiscal committees by September 30, 1996.

(6) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

[1997 c 372 § 1; 1996 c 317 § 10; 1994 c 184 § 10; 1993 c 406 § 3; 1989 c 273 § 26; 1987 c 505 § 35; 1984 c 247 § 3; 1981 c 270 § 4; 1979 c 151 § 137; 1975 1st ex.s. c 293 § 5; 1973 1st ex.s. c 100 § 6; 1965 c 8 § 43.88.090. Prior: 1959 c 328 § 9.]

Notes:

Short title--1993 c 406: See note following RCW 43.88.020.

Severability--1989 c 273: See RCW 41.45.900.

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.093 Development of budget--Tourism development division, department of community, trade, and economic development. (Expires June 30, 2008.)

(1) When developing a biennial budget for the tourism development division of the department of community, trade, and economic development, the request for funding submitted to the office of financial management shall be calculated according to the formula in RCW 43.88.094. The request shall be a specific designated amount in the budget request for the department of community, trade, and economic development.

(2) This section expires June 30, 2008.

[1998 c 299 § 3.]

Notes:

Intent--1998 c 299: "It is the intent of this act to provide for predictable and stable funding for tourism development activities of the state of Washington by establishing funding levels based on proven performance and return on state funds invested in tourism development and to establish a tourism development advisory committee."
[1998 c 299 § 1.]

Effective date--1998 c 299: "This act takes effect July 1, 1998." [1998 c 299 § 6.]

RCW 43.88.094 Development of budget--Calculation--Tourism development division, department of community, trade, and economic development. (Expires June 30, 2008.)

(1) The budget amount designated in RCW 43.88.093(1) is the sum of the base amount and the growth component as calculated under subsection (2) of this section.

(2) The director of the department of community, trade, and economic development shall

calculate the tourism development division budget in consultation with the appropriate agencies in the following manner:

(a) The base amount, beginning in the budget for the biennium ending June 30, 2001, and for each subsequent biennium thereafter, equals the previous biennial budget, including any supplemental allocations and any growth component amounts from previous biennia.

(b) For the growth component, beginning in the budget for the biennium ending June 30, 2001: (i) Compute the state retail sales tax revenues for the target business categories for the calendar year two years prior to the beginning of the biennium for which the budget request will be made; (ii) compute the state retail sales tax revenues for the target business categories for the calendar year four years prior to the beginning of the biennium for which the budget request will be made; (iii) calculate the percentage change in these two sales tax revenue amounts; (iv) if the percentage exceeds eight percent growth, calculate the amount of sales tax revenue that represents the excess in revenue growth greater than six percent; and (v) calculate the growth component by dividing the excess revenue growth by two. The amount of the growth component for any biennium shall not exceed two million dollars per fiscal year for the biennium.

(3) As used in this section:

(a) "Target business categories" means businesses in standard industrial classification codes 58 (eating and drinking), 70 (lodging), 7514 (auto rental), and 79 (recreation). If at any time the United States office of management and budget or a successor agency should change or replace the present standard industrial classification code system, the department of community, trade, and economic development shall use the code system issued by the office of management and budget or its successor agency to determine codes corresponding to those listed in this definition.

(b) "Retail sales" means the gross sales subject to the tax imposed in chapter 82.08 RCW received by businesses identified in department of revenue records by standard industrial classification codes 58, 70, 7514, and 79.

(4) This section expires June 30, 2008.

[1998 c 299 § 4.]

Notes:

Intent--Effective date--1998 c 299: See notes following RCW 43.88.093.

RCW 43.88.100 Executive hearings.

The governor may provide for hearings on all agency requests for expenditures to enable him to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The governor may require the attendance of proper agency officials at his hearings and it shall be their duty to disclose such information as may be required to enable the governor to arrive at his final determination.

[1965 c 8 § 43.88.100. Prior: 1959 c 328 § 10.]

RCW 43.88.110 Expenditure programs--Maintenance summary reports--Allotments--Reserves--Monitor capital appropriations--Predesign review for major capital construction.

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(3) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor.

(4) The office of financial management shall develop a method for monitoring capital appropriations and expenditures that will capture at least the following elements:

- (a) Appropriations made for capital projects including transportation projects;
- (b) Estimates of total project costs including past, current, ensuing, and future biennial costs;
- (c) Comparisons of actual costs to estimated costs;
- (d) Comparisons of estimated construction start and completion dates with actual dates;
- (e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system or into a separate project management system, as deemed appropriate by the office of financial management.

(5) The office of financial management shall publish agency annual maintenance summary reports beginning in October 1997. State agencies shall submit a separate report for each major campus or site, as defined by the office of financial management. Reports shall be prepared in a format prescribed by the office of financial management and shall include, but not be limited to: Information describing the number, size, and condition of state-owned facilities; facility maintenance, repair, and operating expenses paid from the state operating and capital budgets, including maintenance staffing levels; the condition of major infrastructure systems; and maintenance management initiatives undertaken by the agency over the prior year. Agencies shall submit their annual maintenance summary reports to the office of financial management by September 1 each year.

(6) The office of financial management, prior to approving allotments for major capital construction projects valued over five million dollars, shall institute procedures for reviewing such projects at the predesign stage that will reduce long-term costs and increase facility efficiency. The procedures shall include, but not be limited to, the following elements:

- (a) Evaluation of facility program requirements and consistency with long-range plans;
- (b) Utilization of a system of cost, quality, and performance standards to compare major

capital construction projects; and

(c) A requirement to incorporate value-engineering analysis and constructability review into the project schedule.

(7) No expenditure may be incurred or obligation entered into for such major capital construction projects including, without exception, land acquisition, site development, predesign, design, construction, and equipment acquisition and installation, until the allotment of the funds to be expended has been approved by the office of financial management. This limitation does not prohibit the continuation of expenditures and obligations into the succeeding biennium for projects for which allotments have been approved in the immediate prior biennium.

(8) If at any time during the fiscal period the governor projects a cash deficit in a particular fund or account as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed operating expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(9) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management.

(10) The director of financial management shall monitor agency operating expenditures against the approved statement of proposed expenditures and shall provide the legislature with

quarterly explanations of major variances.

(11) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

[1997 c 96 § 6; 1994 c 219 § 5. Prior: 1991 sp.s. c 32 § 27; 1991 c 358 § 2; 1987 c 502 § 5; 1986 c 215 § 4; 1984 c 138 § 8; 1983 1st ex.s. c 47 § 1; 1982 2nd ex.s. c 15 § 1; 1981 c 270 § 5; 1979 c 151 § 138; 1975 1st ex.s. c 293 § 6; 1965 c 8 § 43.88.110; prior: 1959 c 328 § 11.]

Notes:

Findings--Purpose--1997 c 96: See note following RCW 43.82.150.

Finding--1994 c 219: See note following RCW 43.88.030.

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Effective date--1991 c 358: See note following RCW 43.88.030.

Severability--1982 2nd ex.s. c 15: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 2nd ex.s. c 15 § 5.]

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Exception: RCW 43.88.265.

RCW 43.88.120 Revenue estimates.

Each agency engaged in the collection of revenues shall prepare estimated revenues and estimated receipts for the current and ensuing biennium and shall submit the estimates to the director of financial management and the director of revenue at times and in the form specified by the directors, along with any other information which the directors may request. For those agencies required to develop six-year programs and financial plans under RCW 44.40.070, six-year revenue estimates shall be submitted to the director of financial management and the transportation committees of the senate and the house of representatives unless the responsibility for reporting these revenue estimates is assumed elsewhere.

A copy of such revenue estimates shall be simultaneously submitted to the economic and revenue forecast work group when required by the office of the economic and revenue forecast council.

[2000 2nd sp.s. c 4 § 13; 1991 c 358 § 3; 1987 c 502 § 6; 1984 c 138 § 10; 1981 c 270 § 8; 1973 1st ex.s. c 100 § 7; 1965 c 8 § 43.88.120. Prior: 1959 c 328 § 12.]

Notes:

Effective date--1991 c 358: See note following RCW 43.88.030.

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.122 Transportation agency revenue forecasts--Variances.

Where there are variances of revenue forecasts between the office of financial management and the transportation revenue forecast council, for those transportation agencies that are required to develop plans under RCW 44.40.070, the office of financial management

shall submit (1) a reconciliation of the differences between the revenue forecasts and (2) the assumptions used by the office of financial management to the transportation committees of the senate and the house of representatives.

[2000 2nd sp.s. c 4 § 14; 1991 c 358 § 7.]

Notes:

Effective date--1991 c 358: See note following RCW 43.88.030.

RCW 43.88.130 When contracts and expenditures prohibited.

No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: PROVIDED, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making of contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void.

[1965 c 8 § 43.88.130. Prior: 1959 c 328 § 13.]

RCW 43.88.140 Lapsing of appropriations.

All appropriations shall lapse at the end of the fiscal period for which the appropriations are made to the extent that they have not been expended or lawfully obligated.

[1981 c 270 § 9; 1965 c 8 § 43.88.140. Prior: 1959 c 328 § 14.]

Notes:

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.145 Capital projects--Transfer of excess appropriation authority.

(1) The capital appropriations act may authorize the governor, through the director of financial management, to transfer the appropriation authority for a capital project that is in excess of the amount required for the completion of the project to another capital project for which the appropriation is insufficient.

(a) No such transfer may be used to expand the capacity or change the intended use of the project beyond that intended by the legislature in making the appropriation.

(b) The transfer may be effected only between capital projects within a specific department, commission, agency, or institution of higher education.

(c) The transfer may be effected only if the project from which the transfer of funds is made is substantially complete and there are funds remaining, or bids have been let on the project from which the transfer of funds is made and it appears to a substantial certainty that the project can be completed within the biennium for less than the amount appropriated.

(2) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless the legislative history demonstrates that the legislature intended to define the scope of a project in a different way.

(3) The office of financial management shall notify the legislative fiscal committees of

the senate and the house of representatives at least thirty days before any transfer is effected under this section except emergency projects or any transfer under two hundred fifty thousand dollars, and shall prepare a report to such committees listing all completed transfers at the close of each fiscal year.

[1994 c 219 § 6.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.88.150 Priority of expenditures--Appropriated and nonappropriated funds--Matching funds, disburse state moneys proportionally.

(1) For those agencies that make expenditures from both appropriated and nonappropriated funds for the same purpose, the governor shall direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds. This subsection does not apply to institutions of higher education, as defined in RCW 28B.10.016.

(2) Unless otherwise provided by law, if state moneys are appropriated for a capital project and matching funds or other contributions are required as a condition of the receipt of the state moneys, the state moneys shall be disbursed in proportion to and only to the extent that the matching funds or other contributions have been received and are available for expenditure.

(3) The office of financial management shall adopt guidelines for the implementation of this section. The guidelines may account for federal matching requirements or other requirements to spend other moneys in a particular manner.

[1995 c 6 § 1; 1991 c 284 § 3; 1981 c 270 § 10; 1965 c 8 § 43.88.150. Prior: 1959 c 328 § 15.]

Notes:

Effective date--1995 c 6: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 12, 1995]." [1995 c 6 § 2.]

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.155 Office of financial management.

See chapter 43.41 RCW.

RCW 43.88.160 Fiscal management--Powers and duties of officers and agencies.

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of

financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall

authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When

services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly

authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management.

[1998 c 135 § 1; 1997 c 168 § 6; 1996 c 288 § 25; 1994 c 184 § 11. Prior: 1993 c 500 § 7; 1993 c 406 § 4; 1993 c 194 § 6; 1992 c 118 § 8; 1992 c 118 § 7; 1991 c 358 § 4; prior: 1987 c 505 § 36; 1987 c 436 § 1; 1986 c 215 § 5; 1982 c 10 § 11; prior: 1981 c 280 § 7; 1981 c 270 § 11; 1979 c 151 § 139; 1975 1st ex.s. c 293 § 8; 1975 c 40 § 11; 1973 c 104 § 1; 1971 ex.s. c 170 § 4; 1967 ex.s. c 8 § 49; 1965 c 8 § 43.88.160; prior: 1959 c 328 § 16.]

Notes:

Effective date--1997 c 168: See RCW 43.88C.900.

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Short title--1993 c 406: See note following RCW 43.88.020.

Expiration date--1992 c 118 § 7: "Section 7 of this act shall expire April 1, 1992." [1992 c 118 § 9.]

Effective date--1992 c 118 § 8: "Section 8 of this act shall take effect April 1, 1992." [1992 c 118 § 10.]

Effective date--1991 c 358: See note following RCW 43.88.030.

Severability--1982 c 10: See note following RCW 6.13.080.

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Severability--1971 ex.s. c 170: See note following RCW 43.09.050.

Director of financial management: Chapter 43.41 RCW.

Joint legislative audit and review committee: Chapter 44.28 RCW.

Post-audit: RCW 43.09.290 through 43.09.330.

Powers and duties of director of general administration as to official bonds: RCW 43.19.540.

State auditor, duties: Chapter 43.09 RCW.

State treasurer, duties: Chapter 43.08 RCW.

RCW 43.88.170 Refunds of erroneous or excessive payments.

Whenever any law which provides for the collection of fees or other payment by an agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the agency which collected the fees or payments of all such amounts received by the agency in consequence of error, either of fact or of law. The regulations issued by the governor pursuant to this chapter shall prescribe the procedure to be employed in making refunds.

[1965 c 8 § 43.88.170. Prior: 1959 c 328 § 17.]

Notes:

Refunds: RCW 43.01.072 through 43.01.075.

RCW 43.88.175 Credit reporting agencies--State agency use.

State agencies may report receivables to credit reporting agencies whenever the agency determines that such reporting would be cost-effective and does not violate confidentiality or other legal requirements. Within thirty-five days after satisfaction of a debt reported to a credit reporting agency, the state agency reporting the debt shall notify the credit reporting agency that the debt has been satisfied.

[1991 c 85 § 1; 1989 c 100 § 1.]

RCW 43.88.180 When appropriations required or not required.

Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments other than for administrative expenses or capital improvements to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. Said trust funds shall include, but shall not be limited to, the accident fund, medical aid fund, retirement system fund, Washington state patrol retirement fund and unemployment trust fund. Appropriations may be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. An appropriation may be required to permit payment of obligations by revolving funds, as provided in RCW 43.88.190.

[1973 1st ex.s. c 100 § 8; 1965 c 8 § 43.88.180. Prior: 1959 c 328 § 18.]

RCW 43.88.190 Revolving funds.

Revolving funds shall not be created by law except to finance the operations of service units, or units set up to supply goods and services to other units or agencies. Such service units where created shall be self-supporting operations featuring continuous turnover of working capital. The regulations issued by the governor pursuant to this chapter shall prescribe the procedures to be employed by agencies in accounting and reporting for revolving funds and may provide for the keeping of such funds in the custody of the treasurer.

[1965 c 8 § 43.88.190. Prior: 1959 c 328 § 19.]

RCW 43.88.195 Establishment of accounts or funds outside treasury without permission of director of financial management prohibited.

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, regional universities, The Evergreen State College, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the office of financial management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the director of financial management authorizes the creation of such fund or account, the director shall forthwith give written notice of the fact to the standing committees on ways and means of the house and senate: PROVIDED FURTHER, That agencies authorized to create local accounts will utilize the services of the state treasurer's office to ensure that new or ongoing relationships with financial institutions are in concert with state-wide policies and procedures pursuant to RCW 43.88.160(1).

[1996 c 186 § 509; 1993 c 500 § 8; 1991 c 201 § 19; 1979 c 151 § 140; 1977 ex.s. c 169 § 109; 1975 1st ex.s. c 293 § 9; 1969 ex.s. c 248 § 1.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Captions not law--Severability--1991 c 201: See RCW 39.35C.900 and 39.35C.901.

RCW 43.88.200 Public records.

All agency records reflecting financial transactions, such records being defined for purposes of this chapter to mean books of account, financial statements, and supporting records including expense vouchers and other evidences of obligation, shall be deemed to be public records and shall be available for public inspection in the agency concerned during official working hours.

[1965 c 8 § 43.88.200. Prior: 1959 c 328 § 20.]

RCW 43.88.205 Federal funds and programs--Participating agencies to give notice--Progress reports.

(1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of financial management may prescribe, or the chair of the joint legislative audit and review committee, standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested.

[1996 c 288 § 39; 1979 c 151 § 141; 1975 1st ex.s. c 293 § 10; 1973 2nd ex.s. c 17 § 3; 1967 ex.s. c 41 § 4.]

Notes:

Acceptance of funds by governor, administration: RCW 43.06.120, 43.06.130.

RCW 43.88.210 Transfer of certain powers and duties.

It is the intent of this chapter to assign to the governor's office authority for developing and maintaining a state budgeting, accounting, and reporting system necessary for effective expenditure and revenue control among agencies.

To this end:

(1) All powers and duties and functions of the state auditor relating to the disbursement of public funds by warrant or check are hereby transferred to the state treasurer as the governor may direct but no later than ninety days after the start of the next fiscal biennium, and the state auditor shall deliver to the state treasurer all books, records, accounts, equipment, or other property relating to such function. In all cases where any question shall arise as to the proper custody of any such books, records, accounts, equipment or property, or pending business, the governor shall determine the question;

(2) In all cases where reports, notices, certifications, vouchers, disbursements and similar statements are now required to be given to any agency the duties and responsibilities of which are being assigned or reassigned by this chapter, the same shall be given to the agency or agencies in the manner provided for in this chapter.

[1986 c 215 § 6; 1965 c 8 § 43.88.210. Prior: 1959 c 328 § 21.]

RCW 43.88.220 Federal law controls in case of conflict--Rules.

If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1965 c 8 § 43.88.220. Prior: 1959 c 328 § 22.]

RCW 43.88.230 Legislative agencies and committees deemed part of legislative branch.

For the purposes of this chapter, the statute law committee, the joint legislative audit and review committee, the legislative transportation committee, the legislative evaluation and accountability program committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

[1996 c 288 § 40; 1981 c 270 § 12; 1975 1st ex.s. c 293 § 11; 1965 c 8 § 43.88.230. Prior: 1959 c 328 § 23.]

Notes:

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.240 Exemption of Washington state commodity commissions.

Unless otherwise directed in the commodity commission enabling statute, this chapter shall not apply to the Washington state commodity commissions created either under separate statute or under the provisions of chapters 15.65 and 15.66 RCW: PROVIDED, That all such commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer.

[1995 c 374 § 60; 1981 c 225 § 3; 1965 c 8 § 43.88.240. Prior: 1959 c 328 § 24.]

Notes:

Effective date--1995 c 374 §§ 1-47, 50-53, and 59-68: See note following RCW 15.36.012.

RCW 43.88.250 Emergency expenditures.

Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any state agency for which insufficient or no appropriations have been made, the head of such agency shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting the emergency and the estimated amount of money required therefor. If the governor approves such estimate in whole or in part, the governor shall indorse on each copy of the

statement the governor's approval, together with a statement of the amount approved as an allocation from any appropriation available for allocation for emergency purposes and transmit one copy to the head of the agency thereby authorizing the emergency expenditures.

[1975-'76 2nd ex.s. c 83 § 1.]

RCW 43.88.260 Deficiencies prohibited--Exceptions.

(1) It shall be unlawful for any agency head or disbursing officer to incur any cash deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

(2) This section does not apply to:

(a) Temporary cash deficiencies resulting from disbursements under a expenditure plan approved under RCW 43.88.110.

(b) Temporary cash deficiencies authorized by the director of financial management for funds and accounts in the state treasury or in the custody of the state treasurer. Each authorization under this subsection (b) shall distinctly specify the fund or account for which a deficiency is authorized, the maximum amount of cash deficiency which may be incurred, and the maximum time period during which the cash deficiency may continue. Each authorization shall expire at the end of each fiscal biennium unless renewed by the director of financial management. The director of financial management shall report each authorization and renewal to the legislative fiscal committees.

(c) Temporary cash deficiencies in funds or accounts which are neither in the state treasury, nor in the custody of the treasurer, if the cash deficiency does not continue past the end of the fiscal biennium.

(3) Nothing in this section permits the expenditure of moneys in excess of an applicable appropriation.

[1987 c 502 § 7; 1975-'76 2nd ex.s. c 83 § 2.]

RCW 43.88.265 Construction accounts--Exception to certain accounting requirements.

In order to comply with the provisions of the federal tax reform act of 1986, construction accounts that receive bond proceeds are exempt from RCW 43.88.050, 43.88.110, and 43.88.260 and may incur seasonal cash deficits pending the sale of bonds or bond anticipation notes subject to the following conditions:

(1) The respective account has unexpended appropriation authority.

(2) There are authorized unissued bonds available for sale by the state finance committee under direction to deposit the proceeds of the sale in the respective account.

(3) The bonds are of an amount that would remedy the cash deficit if the bonds were sold.

[1989 1st ex.s. c 14 § 18.]

Notes:

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.88.270 Penalty for violations.

Any officer or employee violating, or wilfully refusing or failing to comply with, any provision of this chapter shall be guilty of a misdemeanor.

[1975-'76 2nd ex.s. c 83 § 3.]

RCW 43.88.280 Fiscal responsibilities of state officers and employees--"State officer or employee" defined.

As used in RCW 43.88.290 and 43.88.300 the term "state officer or employee" includes the members of the governing body of any state agency, as state agency is defined in RCW 43.88.020(4) and those generally known as executive management but excludes nonsupervisory state employees covered by civil service under chapters 41.06 and *28B.16 RCW.

[1977 ex.s. c 320 § 1.]

Notes:

***Reviser's note:** Chapter 28B.16 RCW was repealed by 1993 c 281, with the exception of RCW 28B.16.015 and 28B.16.240, which was recodified as RCW 41.06.382. The powers, duties, and functions of the state higher education personnel board were transferred to the Washington personnel resources board.

Effective date--1977 ex.s. c 320: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977." [1977 ex.s. c 320 § 6.]

RCW 43.88.290 Fiscal responsibilities of state officers and employees--Prohibitions relative to appropriations and expenditures.

No state officer or employee shall intentionally or negligently: Over-expend or over-encumber any appropriation made by law; fail to properly account for any expenditures by fund, program, or fiscal period; or expend funds contrary to the terms, limits, or conditions of any appropriation made by law.

[1981 c 270 § 13; 1977 ex.s. c 320 § 2.]

Notes:

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Effective date--1977 ex.s. c 320: See note following RCW 43.88.280.

RCW 43.88.300 Fiscal responsibilities of state officers and employees--Violations--Civil penalties--Forfeiture.

(1) Where there is reason to believe that a present or former state officer or employee has violated or threatens to violate RCW 43.88.290, the attorney general may initiate an appropriate civil action for the enforcement of RCW 43.88.280 through 43.88.320 or to prevent any such violation. The action may be brought in the county where the alleged violator resides, or the

county where the violation is alleged to have occurred or is threatened.

(2) For each violation of RCW 43.88.290 the attorney general shall seek to recover and the court may award the following damages on behalf of the state of Washington:

(a) From each person found in violation of RCW 43.88.290 a civil penalty in the amount of five hundred dollars, or all costs, including reasonable attorney's fees incurred by the state in said action, whichever is greater;

(b) Any damages sustained by the state as a result of the conduct constituting said violation.

In addition to the other penalties contained in this section, judgment against any person, other than an elected official, for violating RCW 43.88.290 may include a declaration of forfeiture of such person's office or employment, to take effect immediately.

[1977 ex.s. c 320 § 3.]

Notes:

Effective date--1977 ex.s. c 320: See note following RCW 43.88.280.

RCW 43.88.310 Fiscal responsibilities of state officers and employees--Duties of legislative auditor, attorney general.

(1) The legislative auditor of the office of the joint legislative audit and review committee, with the concurrence of the joint legislative audit and review committee, may file with the attorney general any audit exceptions or other findings of any performance audit, management study, or special report prepared for the joint legislative audit and review committee, any standing or special committees of the house or senate, or the entire legislature which indicate a violation of RCW 43.88.290, or any other act of malfeasance, misfeasance, or nonfeasance on the part of any state officer or employee.

(2) The attorney general shall promptly review each filing received from the legislative auditor and may act thereon as provided in RCW 43.88.300, or any other applicable statute authorizing enforcement proceedings by the attorney general. The attorney general shall advise the joint legislative audit and review committee of the status of exceptions or findings referred under this section.

[1996 c 288 § 41; 1993 c 157 § 1; 1977 ex.s. c 320 § 4.]

Notes:

Effective date--1977 ex.s. c 320: See note following RCW 43.88.280.

RCW 43.88.320 Fiscal responsibilities of state officers and employees--Civil penalties additional to other penalties.

The civil penalties provided by RCW 43.88.280 through 43.88.320 are in addition to any other penalties which may be provided by law.

[1977 ex.s. c 320 § 5.]

Notes:

Effective date--1977 ex.s. c 320: See note following RCW 43.88.280.

RCW 43.88.350 Legal services revolving fund--General administration services account--Approval of certain changes required.

Any rate increases proposed for or any change in the method of calculating charges from the legal services revolving fund or services provided in accordance with RCW 43.01.090 or 43.19.500 in the general administration services account is subject to approval by the director of financial management prior to implementation.

[1998 c 105 § 16; 1981 c 270 § 14.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

General administration services account: RCW 43.19.500.

Legal services revolving fund: RCW 43.10.150.

RCW 43.88.500 State boards, commissions, councils, and committees--Legislative finding and declaration.

The legislature finds that members of boards, commissions, councils, and committees in state government make a valuable contribution to the public welfare.

Nevertheless, the legislature also finds that the continued proliferation of both statutory and nonstatutory groups of this nature without effective, periodic review of existing groups can result in wasteful duplication of effort, fragmentation of administrative authority, lack of accountability, plus an excessive and frequently hidden financial burden on the state.

The legislature further finds that effective legislative oversight and review of boards, commissions, councils, and committees is frustrated by a lack of current and reliable information on the status and activities of such groups.

The legislature declares that legislative oversight and overall accountability in state government can be significantly improved by creating in the office of financial management a central clearinghouse for information on boards, commissions, councils, and committees.

[1979 c 151 § 142; 1977 c 23 § 1.]

Notes:

Termination review: RCW 43.41.220.

RCW 43.88.505 State boards, commissions, councils, and committees--Compilation of list, information.

(1) The director of financial management shall compile, and revise within ninety days after the beginning of each biennium, a current list of all permanent and temporary, statutory and nonstatutory boards, commissions, councils, committees, and other groups of similar nomenclature that are established by the executive, legislative, or judicial branches of state government and whose members are eligible to receive travel expenses for their meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

- (2) Such list shall include but not be limited to any such group which:
- (a) Functions primarily in an advisory, planning, or coordinating capacity;
 - (b) Performs advertising, research, promotional, or marketing services for a specific business, industry, or occupation; or
 - (c) Performs licensing, regulatory, or quasi-judicial functions, adopts rules, or has responsibility for the administration or policy direction of a state agency or program.
- (3) Such list shall contain the following information for each board, commission, council, committee, or other group of similar nomenclature:
- (a) The legal authorization for the creation of the group;
 - (b) The number of members on the group, the appointing authority, and the agency to which the group reports;
 - (c) The number of meetings held during the preceding biennium;
 - (d) A brief summary of the primary responsibilities of the group;
 - (e) The total estimated cost of operating the group during the preceding biennium and the estimated cost of the group during the ensuing biennium. Such cost data shall include the estimated administrative expenses of the group as well as the estimated cost to an agency of providing full time equivalent or part time supporting staff to the group; and
 - (f) The source of funding for the group.

[1979 c 151 § 143; 1977 c 23 § 2.]

RCW 43.88.510 State boards, commissions, councils, and committees--Submission of list and data to legislature.

Not later than ninety days after the beginning of each biennium, the director of financial management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by RCW 43.88.505 to:

- (1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees, including one copy to the staff of each of the committees;
- (2) The chair of the joint legislative audit and review committee, including a copy to the staff of the committee;
- (3) The chairs of the committees on ways and means of the senate and house of representatives; and
- (4) Members of the state government committee of the house of representatives and of the governmental operations committee of the senate, including one copy to the staff of each of the committees.

[1996 c 288 § 42; 1987 c 505 § 37; 1979 c 151 § 144; 1977 c 23 § 3.]

RCW 43.88.515 State boards, commissions, councils, and committees--Agencies to submit lists, information.

(1) In order to facilitate the compilation of data required by RCW 43.88.505, each agency of the executive, legislative, and judicial branches of state government shall submit to the

director of financial management a current list of the permanent and temporary, statutory and nonstatutory boards, commissions, councils, committees, and other groups of similar nomenclature that report to, or are involved in the operation of, the agency and whose members are eligible to receive travel expenses for their meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) Such list shall contain the administrative and cost information for each group that is prescribed in RCW 43.88.505(3).

(3) The director of financial management shall establish guidelines and a format for agencies to follow in submitting information on boards, commissions, councils, and committees.

[1979 c 151 § 145; 1977 c 23 § 4.]

RCW 43.88.550 Forest fire fighting expenses--Transfers to Clarke-McNary fund.

Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund--state, or such other funds as the state treasurer deems appropriate, to the Clarke-McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

[1989 c 362 § 3.]

RCW 43.88.560 Information technology projects--Funding policies and standards.

The director of financial management shall establish policies and standards governing the funding of major information technology projects as required under RCW 43.105.190(2).

[1992 c 20 § 7.]

Notes:

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.88.570 Social services provided by nongovernment entities receiving state moneys--Report by agencies--Audits.

(1) Each state agency shall submit a report to the office of the state auditor listing each nongovernment entity that received over three hundred thousand dollars in state moneys during the previous fiscal year under contract with the agency for purposes related to the provision of social services. The report must be submitted by September 1 each year, and must be in a form prescribed by the office of the state auditor.

(2) The office of the state auditor shall select at random a group of entities from the reports using a procedure prescribed by the office of the state auditor. The office of the state auditor shall ensure that the number of entities selected under this subsection (2) each year is

sufficient to ensure a statistically representative sample of all reported entities.

(3) Each entity selected under subsection (2) of this section shall be required to complete a comprehensive entity-wide audit in accordance with generally accepted government auditing standards. The audit shall be completed by, or under the supervision of, a certified public accountant licensed in this state. The audit shall determine, at a minimum, whether:

(a) The financial statements of the entity are presented fairly in all material respects in conformity with generally accepted accounting principles;

(b) The schedule of expenditures of state moneys is presented fairly in all material respects in relation to the financial statements taken as a whole;

(c) Internal accounting controls exist and are effective; and

(d) The entity has complied with laws, regulations, and contract and grant provisions that have a direct and material effect on performance of the contract and the expenditure of state moneys.

(4) The office of the state auditor shall also select a second group based on a risk assessment of entities conducted by the office of the state auditor in consultation with state agencies. The office of the state auditor shall consider, at a minimum, the following factors when conducting risk assessments: Findings from audits of entities under contract with the state to provide services for the same state or federal program; findings from previous audits; decentralization of decision making and controls; turnover in officials and key personnel; changes in management structure or operations; and the presence of new programs, technologies, or funding sources.

(5) The office of the state auditor is required to complete a comprehensive entity-wide audit, in accordance with generally accepted government auditing standards, of each entity selected under subsection (4) of this section. The office of the state auditor may procure the services of a certified public accountant to perform such an audit, as set forth under RCW 43.09.045. The audit shall determine, at a minimum, whether:

(a) The financial statements of the entity are presented fairly in all material respects in conformity with generally accepted accounting principles;

(b) The schedule of expenditures of state moneys is presented fairly in all material respects in relation to the financial statements taken as a whole;

(c) Internal accounting controls exist and are effective; and

(d) The entity has complied with statutes, rules, regulations, and contract and grant provisions that have a direct and material effect on performance of the contract and the expenditure of state moneys.

(6) The office of the state auditor shall prescribe policies and procedures for the conduct of audits under this section. The office of the state auditor shall deem single audits completed in compliance with federal requirements to be in fulfillment of the requirements of this section if the audit meets the requirements of subsection (3)(a) through (d) or (5)(a) through (d) of this section. If the entity is selected under subsection (4) of this section, the office of the state auditor shall review the single audit to determine if there is evidence of misuse of public moneys.

(7) Completed audits must be delivered to the office of the state auditor and the state agency by April 1 in the year following the selection of the entity for audit. Entities must resolve

any findings contained in the audit within six months of the delivery of the audit. Entities may not enter into new contracts with state agencies until all major audit findings are resolved.

(8) Nothing in this section limits the authority of the state auditor to carry out statutorily and contractually prescribed powers and duties.

[1998 c 232 § 2; 1997 c 374 § 3.]

Notes:

Findings--Intent--1998 c 232: See note following RCW 43.09.055.

Findings--1997 c 374: See note following RCW 43.63A.125.

RCW 43.88.899 Intent--Periodic review.

The amendments to chapter 43.88 RCW by chapter 215, Laws of 1986 are intended to improve the reporting of state budgeting, accounting, and other fiscal data. The legislative evaluation and accountability program committee shall periodically review chapter 43.88 RCW and shall recommend further revisions if needed.

[1986 c 215 § 8.]

RCW 43.88.901 Severability--1973 1st ex.s. c 100.

If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 1st ex.s. c 100 § 10.]

RCW 43.88.902 Severability--1975 1st ex.s. c 293.

If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975 1st ex.s. c 293 § 22.]

RCW 43.88.903 Severability--1977 c 23.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1977 c 23 § 5.]

RCW 43.88.910 Effective date--1975 1st ex.s. c 293.

This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions,

and shall take effect on July 1, 1975.

[1975 1st ex.s. c 293 § 23.]

Chapter 43.88A RCW LEGISLATIVE FISCAL NOTES

Sections

| | |
|------------|--|
| 43.88A.010 | Legislative declaration. |
| 43.88A.020 | Fiscal notes--Preparation--Contents--Duties of office of financial management. |
| 43.88A.030 | Fiscal notes--Distribution. |
| 43.88A.040 | Fiscal notes--Preparation upon request of any legislator. |
| 43.88A.900 | Construction of chapter. |

Notes:

Fiscal impact of proposed legislation on political subdivisions: Chapter 43.132 RCW.

RCW 43.88A.010 Legislative declaration.

The legislature hereby recognizes the necessity of developing a uniform and coordinated procedure for determining the expected fiscal impact of bills and resolutions on state government. The legislature also recognizes that developing such statements of fiscal impact, which shall be known as fiscal notes, requires the designation of a state agency to be principally responsible therefor.

[1977 ex.s. c 25 § 1.]

RCW 43.88A.020 Fiscal notes--Preparation--Contents--Duties of office of financial management.

The office of financial management shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of fiscal notes on the expected impact of bills and resolutions which increase or decrease or tend to increase or decrease state government revenues or expenditures. Such fiscal notes shall indicate by fiscal year the impact for the remainder of the biennium in which the bill or resolution will first take effect as well as a cumulative forecast of the fiscal impact for the succeeding four fiscal years. Fiscal notes shall separately identify the fiscal impacts on the operating and capital budgets. Estimates of fiscal impacts shall be calculated using the procedures contained in the fiscal note instructions issued by the office of financial management.

In establishing the fiscal impact called for pursuant to this chapter, the office of financial management shall coordinate the development of fiscal notes with all state agencies affected.

[1994 c 219 § 3; 1979 c 151 § 146; 1977 ex.s. c 25 § 2.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.88A.030 Fiscal notes--Distribution.

When a fiscal note is prepared and approved as to form, accuracy, and completeness by the office of financial management, which depicts the expected fiscal impact of a bill or resolution, copies shall be filed immediately with:

- (1) The chairperson of the committee to which the bill or resolution was referred upon introduction in the house of origin;
- (2) The senate committee on ways and means, or its successor; and
- (3) The house committees on revenue and appropriations, or their successors.

Whenever possible, such fiscal note shall be provided prior to or at the time the bill or resolution is first heard by the committee of reference in the house of origin.

When a fiscal note has been prepared for a bill or resolution, a copy of the fiscal note shall be placed in the bill books or otherwise attached to the bill or resolution and shall remain with the bill or resolution throughout the legislative process insofar as possible.

[1986 c 158 § 16; 1979 ex.s. c 112 § 1; 1979 c 151 § 147; 1977 ex.s. c 25 § 3.]

RCW 43.88A.040 Fiscal notes--Preparation upon request of any legislator.

The office of financial management shall also provide a fiscal note on any legislative proposal at the request of any legislator. Such fiscal note shall be returned to the requesting legislator, and copies shall be filed with the appropriate legislative committees pursuant to RCW 43.88A.030 at the time such proposed legislation is introduced in either house.

[1979 c 151 § 148; 1977 ex.s. c 25 § 4.]

RCW 43.88A.900 Construction of chapter.

Nothing in this chapter shall prevent either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any fiscal note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

[1977 ex.s. c 25 § 5.]

**Chapter 43.88C RCW
CASELOAD FORECAST COUNCIL**

Sections

43.88C.010 Caseload forecast council--Caseload forecast supervisor--Oversight and approval of official

| | |
|------------|--|
| 43.88C.020 | caseload forecast--Alternative forecast--Travel reimbursement--Definitions. Preparation and submittal of caseload forecasts--Cooperation of state agencies--Official state caseload forecast. |
| 43.88C.030 | Caseload forecast work group--Submittal of data by state agencies--Meetings. |
| 43.88C.900 | Effective date--1997 c 168. |

RCW 43.88C.010 Caseload forecast council--Caseload forecast supervisor--Oversight and approval of official caseload forecast--Alternative forecast--Travel reimbursement--Definitions.

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A council member who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means the number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support.

(8) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

[2000 c 90 § 1; 1997 c 168 § 1.]

Notes:

Effective date--2000 c 90: "This act takes effect July 1, 2000." [2000 c 90 § 2.]

RCW 43.88C.020 Preparation and submittal of caseload forecasts--Cooperation of state agencies--Official state caseload forecast.

(1) In consultation with the caseload forecast work group established under RCW 43.88C.030, and subject to the approval of the caseload forecast council under RCW 43.88C.010, the supervisor shall prepare:

- (a) An official state caseload forecast; and
- (b) Other caseload forecasts based on alternative assumptions as the council may determine.

(2) The supervisor shall submit caseload forecasts prepared under this section, along with any unofficial forecasts provided under RCW 43.88C.010, to the governor and the members of the legislative fiscal committees, including one copy to the staff of each of the committees. The forecasts shall be submitted at least three times each year and on such dates as the council determines will facilitate the development of budget proposals by the governor and the legislature.

(3) All agencies of state government shall provide to the supervisor immediate access to all information relating to caseload forecasts.

(4) The administrator of the legislative evaluation and accountability program committee may request, and the supervisor shall provide, alternative caseload forecasts based on assumptions specified by the administrator.

(5) The official state caseload forecast under this section shall be the basis of the governor's budget document as provided in RCW 43.88.030 and utilized by the legislature in the development of the omnibus biennial appropriations act.

[1997 c 168 § 2.]

RCW 43.88C.030 Caseload forecast work group--Submittal of data by state agencies--Meetings.

(1) To promote the free flow of information and to promote legislative and executive input in the development of assumptions and preparation of forecasts, immediate access to all information and statistical models relating to caseload forecasts shall be available to the caseload forecast work group, hereby created. Each state agency affected by caseloads shall submit caseload reports and data to the council as soon as the reports and data are available and shall provide to the council and the supervisor such additional raw, program-level data or information as may be necessary for discharge of their respective duties.

(2) The caseload forecast work group shall consist of one staff member selected by the

executive head or chairperson of each of the following agencies, programs, or committees:

- (a) Office of financial management;
- (b) Ways and means committee, or its successor, of the senate;
- (c) Appropriations committee, or its successor, of the house of representatives;
- (d) Legislative evaluation and accountability program committee; and
- (e) Each state program for which the council forecasts the caseload.

(3) The caseload forecast work group shall provide technical support to the caseload forecast council. Meetings of the caseload forecast work group may be called by any member of the group for the purpose of assisting the council, reviewing forecasts, or for any other purpose that may assist the council.

[1997 c 168 § 3.]

RCW 43.88C.900 Effective date--1997 c 168.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997.

[1997 c 168 § 8.]

**Chapter 43.89 RCW
TELETYPEWRITER COMMUNICATIONS NETWORK**

Sections

- 43.89.010 Communications network--Establishment--Use--Charges--Duties of chief of state patrol.
- 43.89.030 Connection with and participation in network by political subdivisions.
- 43.89.040 Transfer of powers, duties, functions, contracts, rules, property, appropriation, etc., to chief of state patrol.
- 43.89.050 Transfer of powers, duties and functions not to terminate or affect state liability.

RCW 43.89.010 Communications network--Establishment--Use--Charges--Duties of chief of state patrol.

The chief of the Washington state patrol is hereby authorized to establish a communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain the communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications

network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: PROVIDED, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state. Of the fees collected pursuant to this section, one-half shall be deposited in the motor vehicle fund and one-half shall be deposited in the state patrol highway account.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

[2000 2nd sp.s. c 4 § 7; 1993 sp.s. c 23 § 63; 1965 ex.s. c 60 § 2; 1965 c 8 § 43.89.010. Prior: 1963 c 160 § 1.]

Notes:

Effective dates--2000 2nd sp.s. c 4 §§ 4-10: "(1) Sections 4 and 7 through 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2000.

(2) Section 5 of this act takes effect September 1, 2000.

(3) Section 6 of this act takes effect March 1, 2002." [2000 2nd sp.s. c 4 § 36.]

Effective dates--1993 sp.s. c 23: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 28, 1993], except for sections 60 and 61, which shall take effect January 1, 1994." [1993 sp.s. c 23 § 65.]

Effective date--1965 ex.s. c 60: "This 1965 amendatory act shall take effect on July 1, 1965." [1965 ex.s. c 60 § 6.]

RCW 43.89.030 Connection with and participation in network by political subdivisions.

Any city, county, city and county, or other public agency may connect with and participate in the teletypewriter communications network subject to the rules, regulations, procedures and methods of operation adopted by the state communications advisory committee: PROVIDED, That such city, county, city and county, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the chief of the Washington state patrol.

[1965 ex.s. c 60 § 4; 1965 c 8 § 43.89.030. Prior: 1963 c 160 § 3.]

RCW 43.89.040 Transfer of powers, duties, functions, contracts, rules, property, appropriation, etc., to chief of state patrol.

The powers, duties, and functions of the director of budget relating to the state teletypewriter communication network are transferred to the chief of the Washington state patrol. All existing contracts, orders, rules, regulations, records, and obligations together with

communications equipment, motor vehicles, and any other property, device, or thing and any remaining appropriation pertaining to such communication network shall be transferred by the director of budget or his agent to the chief of the Washington state patrol as of July 1, 1965.

[1965 ex.s. c 60 § 1.]

RCW 43.89.050 Transfer of powers, duties and functions not to terminate or affect state liability.

The transfer of the powers, duties, and functions relating to the state teletypewriter communication network from the director of budget to the chief of the Washington state patrol shall not terminate or affect the liability of the state accruing with respect to such communications network to any person, company, or corporation.

[1965 ex.s. c 60 § 5.]

**Chapter 43.92 RCW
GEOLOGICAL SURVEY**

Sections

| | |
|-----------|---|
| 43.92.010 | Supervisor of geology. |
| 43.92.020 | Objects of survey. |
| 43.92.040 | Printing and distribution of reports. |
| 43.92.060 | Cooperation with federal geological survey. |
| 43.92.070 | Topographic map--Stream measurements. |
| 43.92.080 | Entry on lands authorized. |

Notes:

Reviser's note: The powers, duties and functions of the department of conservation with respect to geology as set forth in chapter 43.92 RCW were transferred to the department of natural resources by 1967 c 242 § 15 [RCW 43.27A.130].

RCW 43.92.010 Supervisor of geology.

There shall be a geological survey of the state which shall be under the direction of the commissioner of public lands who shall have general charge of the survey, and shall appoint as supervisor of the survey a geologist of established reputation, to be known as the supervisor of geology.

[1988 c 127 § 28; 1965 c 8 § 43.92.010. Prior: 1901 c 165 § 1; 1890 p 647 § 1; 1890 p 249 § 1; RRS § 5993.]

RCW 43.92.020 Objects of survey.

The survey shall have for its objects:

An examination of the economic products of the state, viz: The gold, silver, copper, lead, and iron ores, as well as building stones, clays, coal, and all mineral substances of value; an examination and classification of the soils, and the study of their adaptability to particular crops;

investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes; an examination and report upon the occurrence of different road building material; an examination of the physical features of the state with reference to their practical bearing upon the occupations of the people; the preparation of special geological and economic maps to illustrate the resources of the state; the preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state, and the consideration of such other kindred scientific and economic questions as in the judgment of the director shall be deemed of value to the people of the state.

[1965 c 8 § 43.92.020. Prior: 1901 c 165 § 2; 1890 p 249 § 3; 1890 p 648 §§ 3, 4, 5, 6, 7; RRS § 5994.]

RCW 43.92.040 Printing and distribution of reports.

The regular and special reports of the survey with proper illustrations and maps, shall be printed as the director may direct, and the reports shall be distributed or sold by him as the interests of the state and of science demand; and all money obtained by the sale of reports shall be paid into the state treasury.

[1965 c 8 § 43.92.040. Prior: 1901 c 165 § 4; RRS § 5996.]

RCW 43.92.060 Cooperation with federal geological survey.

The director may make provisions for topographic, geologic, and hydrographic surveys of the state in cooperation with the United States geological survey in such manner as in his opinion will be of the greatest benefit to the agricultural, industrial, and geological requirements of the state: PROVIDED, That the director of the United States geological survey agrees to expend on the part of the United States upon such surveys a sum equal to that expended by the state.

[1965 c 8 § 43.92.060. Prior: 1903 c 157 § 1; 1901 c 165 § 6; RRS § 5998.]

RCW 43.92.070 Topographic map--Stream measurements.

In order to complete the topographic map of the state and for the purpose of making more extensive stream measurements, and otherwise investigating and determining the water supply of the state, the director may enter into such agreements with the director of the United States geological survey as will insure that the surveys and investigations be carried on in the most economical manner, and that the maps and data be available for the use of the public as quickly as possible.

[1965 c 8 § 43.92.070. Prior: 1909 c 245 § 1; RRS § 5999.]

RCW 43.92.080 Entry on lands authorized.

In order to carry out the purposes of this chapter all persons employed hereunder are authorized to enter and cross all land within the state doing thereby no damage to private property.

[1965 c 8 § 43.92.080. Prior: 1909 c 245 § 3; RRS § 6000.]

Chapter 43.96B RCW EXPO '74--BOND ISSUE

Sections

STATE PAVILION--BOND ISSUE

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| 43.96B.200 | Legislative finding. |
| 43.96B.205 | Bond issue--Authorized. |
| 43.96B.210 | Bond issue--Issuance and sale of bonds--Form, terms, conditions, etc.--Authority of state finance committee. |
| 43.96B.215 | Bond issue--Anticipation notes--Disposition of proceeds--Acquisition of property by Expo '74 commission authorized. |
| 43.96B.220 | Bond issue--Administration of proceeds. |
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| 43.96B.230 | Bond issue--Additional means of payment. |
| 43.96B.235 | Bond issue--Legal investment for public funds. |
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| 43.96B.245 | Severability--1973 1st ex.s. c 116. |
| 43.96B.900 | Severability--1971 ex.s. c 3. |

STATE PAVILION--BOND ISSUE

RCW 43.96B.200 Legislative finding.

The legislature finds that an expansion of the state pavilion at Expo '74 initially authorized for construction by the 1971 legislature is consistent with the purposes of the exposition and the needs of the state of Washington in order that the facility produced will both more adequately serve the state during the exposition and as a permanent structure for the benefit of the state afterwards.

[1973 1st ex.s. c 116 § 1.]

RCW 43.96B.205 Bond issue--Authorized.

For the purpose of providing additional space for the Washington State Pavilion at Expo '74 as determined to be necessary by the Expo '74 commission, including the planning, acquisition, construction, remodeling and equipping, together with all improvements and

enhancements of said project, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two million nine hundred thousand dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.96B.200 through 43.96B.245 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1973 1st ex.s. c 116 § 2.]

RCW 43.96B.210 Bond issue--Issuance and sale of bonds--Form, terms, conditions, etc.--Authority of state finance committee.

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide.

[1973 1st ex.s. c 116 § 3.]

RCW 43.96B.215 Bond issue--Anticipation notes--Disposition of proceeds--Acquisition of property by Expo '74 commission authorized.

At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.96B.200 through 43.96B.245 and any interest earned on the interim investment of such proceeds, shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.96B.200 through 43.96B.245 and for the payment of expenses incurred in the issuance and sale of the bonds. The Expo '74 commission is hereby authorized to acquire property, real and personal, by lease, purchase[,] condemnation or gift to achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess., and RCW 43.96B.200 through 43.96B.245. The commission is further directed pursuant to RCW 43.19.450 to utilize the department of general administration services to accomplish the purposes set forth herein.

[1973 1st ex.s. c 116 § 4.]

RCW 43.96B.220 Bond issue--Administration of proceeds.

The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the Expo '74 commission.

[1973 1st ex.s. c 116 § 5.]

RCW 43.96B.225 Bond issue--Redemption fund--Payment of bonds.

The state building bond redemption fund, 1973-A, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.96B.200 through 43.96B.245. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund, 1973-A, from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.96B.200 through 43.96B.245 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1973 1st ex.s. c 116 § 6.]

RCW 43.96B.230 Bond issue--Additional means of payment.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.96B.200 through 43.96B.245 shall not be deemed to provide an exclusive method for such payment.

[1973 1st ex.s. c 116 § 7.]

RCW 43.96B.235 Bond issue--Legal investment for public funds.

The bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1973 1st ex.s. c 116 § 8.]

RCW 43.96B.240 Appropriation.

There is hereby appropriated to the Expo '74 commission from the state building construction account of the general fund the sum of two million nine hundred thousand dollars or so much thereof as may be necessary to accomplish the purposes of RCW 43.96B.200 through 43.96B.245.

[1973 1st ex.s. c 116 § 9.]

RCW 43.96B.245 Severability--1973 1st ex.s. c 116.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 1st ex.s. c 116 § 10.]

RCW 43.96B.900 Severability--1971 ex.s. c 3.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 3 § 9.]

Chapter 43.97 RCW
COLUMBIA RIVER GORGE COMPACT
(Formerly: Columbia River Gorge commission)

Sections

- | | |
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| 43.97.015 | Columbia River Gorge Compact--Columbia River Gorge commission. |
| 43.97.025 | Grant of authority--Appointment of members to commission--Vacancies. |
| 43.97.035 | Commission members--Compensation--Travel expenses. |

RCW 43.97.015 Columbia River Gorge Compact--Columbia River Gorge commission.

The legislature of the State of Washington hereby ratifies the Columbia River Gorge Compact set forth below, and the provisions of such compact hereby are declared to be the law of this state upon such compact becoming effective as provided in Article III.

A compact is entered into by and between the states of Washington and Oregon, signatories hereto, with the consent of the Congress of the United States of America, granted by an Act entitled, "The Columbia River Gorge National Scenic Area Act," P.L. 99-663.

ARTICLE I

COLUMBIA GORGE COMMISSION ESTABLISHED

a. The States of Oregon and Washington establish by way of this interstate compact a regional agency known as the Columbia River Gorge Commission. The commission established in accordance with this compact shall have the power and authority to perform all functions and responsibilities in accordance with the provisions of this compact and of the Columbia River Gorge National Scenic Area Act (the federal Act), which is incorporated by this specific reference in this agreement. The commission's powers shall include, but not be limited to:

1. The power to sue and be sued.
2. The power to disapprove a land use ordinance enacted by a county if the ordinance is inconsistent with the management plan, as provided in P.L. 96-663, Sec. 7(b)(3)(B).
3. The power to enact a land use ordinance setting standards for the use of nonfederal land in a county within the scenic area if the county fails to enact land use ordinances consistent with the management plan, as provided in P.L. 99-663, Sec. 7(c).
4. According to the provisions of P.L. 99-663, Sec. 10(c), the power to review all proposals for major development action and new residential development in each county in the scenic area, except urban areas, and the power to disapprove such development if the commission finds the development is inconsistent with the purposes of P.L. 99-663.

b. The commission shall appoint and remove or discharge such personnel as may be necessary for the performance of the commission's functions, irrespective of the civil service, personnel or other merit system laws of any of the party states.

c. The commission may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivors insurance provided that the commission takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

d. The commission shall obtain the services of such professional, technical, clerical and other personnel as may be deemed necessary to enable it to carry out its functions under this compact. The commission may borrow, accept, or contract for the services of personnel from any state of the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

e. Funds necessary to fulfill the powers and duties imposed upon and entrusted to the commission shall be provided as appropriated by the legislatures of the states in accordance with Article IV. The commission may also receive gifts, grants, endowments and other funds from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the commission and expend the same or any income therefrom according to the terms of the gifts, grants, endowments or other funds.

f. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

g. The commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules and regulations. The commission shall publish its bylaws, rules and regulations in convenient form and shall file a copy thereof and of any amendment thereto, with the appropriate agency or officer in each of the party states.

ARTICLE II THE COMMISSION MEMBERSHIP

a. The commission shall be made up of twelve voting members appointed by the states, as set forth herein, and one non-voting member appointed by the U.S. Secretary of Agriculture.

b. Each state governor shall appoint the members of the commission as provided in the federal Act (three members who reside in the State of Oregon, including one resident of the scenic area, to be appointed by the Governor of Oregon, and three members who reside in the State of Washington, including one resident of the scenic area, appointed by the Governor of Washington).

c. One additional member shall be appointed by the governing body of each of the respective counties of Clark, Klickitat, and Skamania in Washington, and Hood River, Multnomah, and Wasco in Oregon, provided that in the event the governing body of a county fails to make such an appointment, the Governor of the state in which the county is located shall appoint such a member.

d. The terms of the members and procedure for filling vacancies shall all be as set forth in the federal Act.

ARTICLE III EFFECTIVE DATE OF COMPACT AND COMMISSION

This compact shall take effect, and the commission may exercise its authorities pursuant to the compact and pursuant to the Columbia River Gorge National Scenic Area Act when it has been ratified by both states and upon the appointment of four initial members from each state. The date of this compact shall be the date of the establishment of the commission.

ARTICLE IV FUNDING

a. The States of Washington and Oregon hereby agree to provide by separate agreement or statute of each state for funding necessary to effectuate the commission, including the establishment of compensation or expenses of commission members from each state which shall be paid by the state of origin.

b. The commission shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

c. Subject to appropriation by their respective legislatures, the commission shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the commission.

d. The commission's proposed budget and expenditures shall be apportioned equally between the states.

e. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by the appropriate state auditing official and the report of the audit shall be included in and become a part of the annual report of the commission.

f. The accounts of the commission shall be open at any reasonable time for inspection by the public.

ARTICLE V SEVERABILITY

If any provision of this compact, or its application to any person or circumstance, is held to be invalid, all other provisions of this compact, and the application of all of its provisions to all other persons and circumstances, shall remain valid, and to this end the provisions of this compact are severable.

[1987 c 499 § 1.]

RCW 43.97.025 Grant of authority--Appointment of members to commission--Vacancies.

(1) The governor, the Columbia River Gorge commission, and all state agencies and counties are hereby directed and provided authority to carry out their respective functions and responsibilities in accordance with the compact executed pursuant to RCW 43.97.015, the Columbia River Gorge National Scenic Area Act, and the provisions of this chapter.

(2) The governor shall appoint three members of the Columbia River Gorge commission who reside in the state of Washington, at least one of whom shall be a resident of the scenic area as defined in the act.

(3)(a) The governing bodies of Clark, Klickitat, and Skamania counties shall each appoint one member of the Columbia River Gorge commission.

(b) In the event the governing body of a county fails to make the appointments prescribed in section 5(a)(c)(1) of that act and (a) of this subsection, the governor shall appoint any such member.

(4) Each member appointed by the governor shall be subject to confirmation by the Washington state senate and shall serve at the pleasure of the governor until their term shall expire or until a disqualifying change in residence.

(5) Of those members appointed to the Columbia River Gorge commission by the governing body of the counties of Clark, Klickitat, and Skamania, the governor shall designate one member to serve for a term of five years and one to serve for six years. Of those members appointed directly by the governor pursuant to RCW 43.97.015, the governor shall designate one to serve a term of five years and one to serve a term of six years. All other members shall serve a period of four years.

Neither the governor nor governing body of any of the counties may appoint federal, state, or local elected or appointed officials as members to the Columbia River Gorge commission.

Vacancies shall be filled in accordance with the appointing procedure for the commission member occupying the seat before its vacancy.

[1987 c 499 § 2.]

RCW 43.97.035 Commission members--Compensation--Travel expenses.

Members of the Columbia River Gorge commission appointed for Washington shall receive compensation for their services pursuant to RCW 43.03.240, and shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060, and regulations adopted pursuant thereto.

[1987 c 499 § 3.]

**Chapter 43.99A RCW
OUTDOOR RECREATIONAL AREAS AND FACILITIES--1967 BOND ACT
(REFERENDUM 18)**

Sections

| | |
|------------|--|
| 43.99A.010 | Declaration of purpose. |
| 43.99A.020 | General obligation bonds authorized. |
| 43.99A.030 | Form of bonds--Rate of interest--Sale and issuance. |
| 43.99A.040 | Full faith and credit of state pledged--Call prior to due date--Facsimile signatures. |
| 43.99A.050 | Disposition of proceeds of sale. |
| 43.99A.060 | Outdoor recreational bond redemption fund of 1967--Created--Use--Sales tax revenues deposited in. |
| 43.99A.070 | Proceeds from sale of bonds--Administration--Disposition and use. |
| 43.99A.080 | Construction of phrase "acquisition and development of outdoor recreational areas and facilities." |
| 43.99A.090 | Legislature may provide additional means for payment of bonds. |
| 43.99A.100 | Bonds legal investment for funds of state and municipal corporations. |
| 43.99A.110 | Referral to electorate. |

Notes:

Outdoor recreational facilities--1963 bond act: Chapter 79A.10 RCW.

RCW 43.99A.010 Declaration of purpose.

The state of Washington possesses unsurpassed natural wealth in the form of mountains, forests, and waters, ideal not only for recreation, but for supplying the special kind of spiritual regeneration that only close association with the outdoors can provide. As the state grows in population, this wilderness is increasingly threatened; prompt action is necessary to preserve it before much of it permanently disappears. Further, the physical expansion of our cities and towns has made it imperative that outdoor breathing space be set aside and permanently reserved for the people who live in them. Such breathing space may take the form of "green belts" especially planned to relieve the monotony of miles of uninterrupted urban or suburban development, or it may take the form of traditional parks. In any case, it must be acquired as soon as possible, while land is still available; and where appropriate, this land must be developed in order to meet the recreational needs of growing numbers of potential users.

[1967 ex.s. c 126 § 1.]

RCW 43.99A.020 General obligation bonds authorized.

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the projects described in RCW 43.99A.070 and 43.99A.080. These bonds shall be paid and discharged within twenty years of the date of issuance.

[1970 ex.s. c 40 § 1; 1967 ex.s. c 126 § 2.]

Notes:

Effective, when--1970 ex.s. c 40: "Sections 1 and 2 of this 1970 amendatory act shall not become effective unless this act is adopted and ratified at the referendum election provided for in section 3 of this 1970 amendatory act." [1970 ex.s. c 40 § 4.]

Referral to electorate--1970 ex.s. c 40: "In the event all of the bonds authorized by RCW 43.99A.010 through 43.99A.110 have not been issued on or before September 2, 1970, then this act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1970, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof." [1970 ex.s. c 40 § 3.] "This act" [1970 ex.s. c 40] was adopted and ratified by the people at the November 3, 1970, general election (Referendum Bill No. 21).

RCW 43.99A.030 Form of bonds--Rate of interest--Sale and issuance.

The state finance committee is authorized to prescribe the form of the bonds, the maximum rate of interest the same shall bear, the time of sale of all or any portion of them, and the conditions of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

[1970 ex.s. c 40 § 2; 1967 ex.s. c 126 § 3.]

Notes:

Effective, when--Referral to electorate--1970 ex.s. c 40: See notes following RCW 43.99A.020.

RCW 43.99A.040 Full faith and credit of state pledged--Call prior to due date--Facsimile signatures.

The bonds shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to their due date under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1967 ex.s. c 126 § 4.]

RCW 43.99A.050 Disposition of proceeds of sale.

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the outdoor recreation account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the chapter and for payment of the expense incurred in the issuance and sale of the bonds.

[1967 ex.s. c 126 § 5.]

RCW 43.99A.060 Outdoor recreational bond redemption fund of 1967--Created--Use--Sales tax revenues deposited in.

The outdoor recreational bond redemption fund of 1967 is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the outdoor recreational bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1971 c 37 § 1; 1967 ex.s. c 126 § 6.]

RCW 43.99A.070 Proceeds from sale of bonds--Administration--Disposition and use.

The proceeds from the sale of bonds deposited in the outdoor recreation account of the general fund under the terms of RCW 43.99A.050 shall be administered by the interagency

committee for outdoor recreation. All such proceeds shall be divided into two equal shares. One share shall be allocated for the acquisition and development of outdoor recreation areas and facilities on behalf of the state as the legislature may direct by appropriation. The other share shall be allocated to public bodies as defined in *RCW 43.99.020 for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of such public bodies. The interagency committee for outdoor recreation is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this chapter as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this chapter.

[1967 ex.s. c 126 § 7.]

Notes:

***Reviser's note:** RCW 43.99.020 was recodified as RCW 79A.25.010 pursuant to 1999 c 249 § 1601.

RCW 43.99A.080 Construction of phrase "acquisition and development of outdoor recreational areas and facilities."

As used in this chapter, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed in accordance with the broad interpretation suggested by RCW 43.99A.010. It shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land, and the development of outdoor areas and facilities for either a single recreational use or multiple recreational uses. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under this chapter.

[1967 ex.s. c 126 § 8.]

RCW 43.99A.090 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1967 ex.s. c 126 § 9.]

RCW 43.99A.100 Bonds legal investment for funds of state and municipal corporations.

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of municipal corporations.

[1967 ex.s. c 126 § 10.]

RCW 43.99A.110 Referral to electorate.

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first

Monday in November 1968, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1967 ex.s. c 126 § 11.]

Notes:

Reviser's note: Chapter 43.99A RCW was adopted and ratified by the people at the November 5, 1968, general election (Referendum Bill No. 18). Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

Chapter 43.99B RCW
OUTDOOR RECREATIONAL AREAS AND FACILITIES--BOND ISSUES

Sections

1979 BOND ISSUE

- 43.99B.010 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
- 43.99B.012 Form, terms, conditions, etc., of bonds.
- 43.99B.014 Proceeds to be deposited in outdoor recreation account.
- 43.99B.016 Administration of proceeds.
- 43.99B.018 Retirement of bonds from outdoor recreational bond redemption fund of 1979--Retirement of bonds from general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.99B.020 Definitions.
- 43.99B.022 Legislature may provide additional means for payment of bonds.
- 43.99B.024 Legal investment for public funds.
- 43.99B.026 Severability--1979 ex.s. c 229.

1981 BOND ISSUE

- 43.99B.028 General obligation bonds--Authorized--Issuance, sale terms--Appropriation required.
- 43.99B.030 Proceeds to be deposited in outdoor recreation account--Use.
- 43.99B.032 Administration of proceeds.
- 43.99B.034 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.99B.036 Definitions.
- 43.99B.038 Legislature may provide additional means for payment of bonds.
- 43.99B.040 Legal investment for public funds.
- 43.99B.042 Severability--1981 c 236.

1979 BOND ISSUE

RCW 43.99B.010 General obligation bonds--Authorized--Issuance, sale,

terms--Appropriation required.

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight million nine hundred forty-five thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by RCW 43.99B.010 through 43.99B.026 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

[1987 1st ex.s. c 3 § 11; 1979 ex.s. c 229 § 1.]

Notes:

Severability--1987 1st ex.s. c 3: See RCW 43.99G.901.

RCW 43.99B.012 Form, terms, conditions, etc., of bonds.

The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds; the time or times of sale of all or any portion of them; and the conditions and manner of their sale, issuance, and redemption. None of the bonds authorized in RCW 43.99B.010 through 43.99B.026 may be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of the bonds and notes, if any. The bonds shall be payable at such places as the committee may provide.

[1979 ex.s. c 229 § 2.]

RCW 43.99B.014 Proceeds to be deposited in outdoor recreation account.

The proceeds from the sale of the bonds authorized by RCW 43.99B.010 through 43.99B.026 shall be deposited in the outdoor recreation account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.99B.010 through 43.99B.026 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1979 ex.s. c 229 § 3.]

RCW 43.99B.016 Administration of proceeds.

The proceeds from the sale of the bonds deposited in the outdoor recreation account of the general fund shall be administered by the interagency committee for outdoor recreation, subject to legislative appropriation, and allocated to any agency or department of the state of Washington and, as grants, to public bodies for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of the agencies, departments, or public

bodies. The interagency committee for outdoor recreation may use or permit the use of any funds derived from the sale of the bonds authorized under RCW 43.99B.010 through 43.99B.026 as matching funds in any case where federal, local, or other funds are made available on a matching basis for projects within the purposes of RCW 43.99B.010 through 43.99B.026.

[1979 ex.s. c 229 § 4.]

RCW 43.99B.018 Retirement of bonds from outdoor recreational bond redemption fund of 1979--Retirement of bonds from general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

The outdoor recreational bond redemption fund of 1979 is hereby created in the state treasury, which fund shall be used for the payment of the principal of and interest on the bonds authorized by RCW 43.99B.010 through 43.99B.026. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the outdoor recreational bond redemption fund of 1979 an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by RCW 43.99B.010 through 43.99B.026, the state general obligation bond retirement fund shall be used for purposes of RCW 43.99B.010 through 43.99B.026 in lieu of the outdoor recreational bond redemption fund of 1979, and the outdoor recreational bond redemption fund of 1979 shall cease to exist.

Bonds issued under RCW 43.99B.010 through 43.99B.026 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1979 ex.s. c 229 § 5.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99B.020 Definitions.

As used in RCW 43.99B.010 through 43.99B.026, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed and shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land, and

the development of outdoor areas and facilities. Swimming pools constructed with proceeds from these bonds may be enclosed at the sponsor's expense. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under RCW 43.99B.010 through 43.99B.026.

As used in RCW 43.99B.010 through 43.99B.026, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington and those Indian tribes now or hereafter recognized as Indian tribes by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants from the state of Washington.

[1979 ex.s. c 229 § 6.]

RCW 43.99B.022 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99B.010 through 43.99B.026, and RCW 43.99B.010 through 43.99B.026 shall not be deemed to provide an exclusive method for the payment.

[1979 ex.s. c 229 § 7.]

RCW 43.99B.024 Legal investment for public funds.

The bonds authorized in RCW 43.99B.010 through 43.99B.026 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1979 ex.s. c 229 § 8.]

RCW 43.99B.026 Severability--1979 ex.s. c 229.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 229 § 9.]

1981 BOND ISSUE

RCW 43.99B.028 General obligation bonds--Authorized--Issuance, sale terms--Appropriation required.

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirteen million four hundred

thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by RCW 43.99B.028 through 43.99B.040 may be offered for sale without prior legislative appropriation.

[1981 c 236 § 1.]

RCW 43.99B.030 Proceeds to be deposited in outdoor recreation account--Use.

The proceeds from the sale of the bonds authorized by RCW 43.99B.028 through 43.99B.040 shall be deposited in the outdoor recreation account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.99B.028 through 43.99B.040 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1981 c 236 § 2.]

RCW 43.99B.032 Administration of proceeds.

The proceeds from the sale of the bonds deposited in the outdoor recreation account of the general fund shall be allocated to the interagency committee for outdoor recreation as grants to public bodies for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of the agencies, departments, or public bodies or to any agency or department of the state of Washington, subject to legislative appropriation. The interagency committee for outdoor recreation may use or permit the use of any funds derived from the sale of the bonds authorized under RCW 43.99B.028 through 43.99B.040 as matching funds in any case where federal, local, or other funds are made available on a matching basis for projects within the purposes of RCW 43.99B.028 through 43.99B.040.

[1981 c 236 § 3.]

RCW 43.99B.034 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized by RCW 43.99B.028 through 43.99B.040.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.99B.028 through 43.99B.040 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional

promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1981 c 236 § 4.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99B.036 Definitions.

As used in RCW 43.99B.028 through 43.99B.040, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed and shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land and the development of outdoor areas and facilities. Swimming pools constructed with proceeds from these bonds may be enclosed at the sponsor's expense. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under RCW 43.99B.028 through 43.99B.040.

As used in RCW 43.99B.028 through 43.99B.040, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington and those Indian tribes now or hereafter recognized as Indian tribes by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants from the state of Washington.

[1981 c 236 § 5.]

RCW 43.99B.038 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99B.028 through 43.99B.040, and RCW 43.99B.028 through 43.99B.040 shall not be deemed to provide an exclusive method for the payment.

[1981 c 236 § 6.]

RCW 43.99B.040 Legal investment for public funds.

The bonds authorized in RCW 43.99B.028 through 43.99B.038 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1981 c 236 § 7.]

RCW 43.99B.042 Severability--1981 c 236.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1981 c 236 § 8.]

Chapter 43.99C RCW
HANDICAPPED FACILITIES BOND ISSUE
(REFERENDUM 37)

Sections

| | |
|------------|--|
| 43.99C.010 | Declaration. |
| 43.99C.015 | General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required. |
| 43.99C.020 | Definitions. |
| 43.99C.025 | Bond anticipation notes--Payment. |
| 43.99C.030 | Form, terms, conditions, etc., of bonds and notes. |
| 43.99C.035 | Pledge and promise. |
| 43.99C.045 | Administration of proceeds--Distribution--Transfer of fixed assets. |
| 43.99C.047 | Prohibition of expenditures not submitted in budget document or schedule--Capital appropriation--Exception--Contents. |
| 43.99C.050 | Retirement of bonds and notes from 1979 handicapped facilities bond redemption fund--Retirement of bonds and notes from state general obligation bond retirement fund. |
| 43.99C.055 | Legislature may provide additional means for payment of bonds. |
| 43.99C.060 | Bonds legal investment for public funds. |

RCW 43.99C.010 Declaration.

The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps will provide the improved and convenient services needed for an efficient work force and a healthy and secure people.

[1979 ex.s. c 221 § 1.]

Notes:

Severability--1979 ex.s. c 221: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 221 § 13.]

Referral to electorate--1979 ex.s. c 221: "This act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, all in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof." [1979 ex.s. c 221 § 14.]

Reviser's note: "This act," chapter 43.99C RCW (1979 ex.s. c 221), was adopted and ratified by the

people at the November 6, 1979, general election (Referendum Bill No. 37). State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

RCW 43.99C.015 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

For the purpose of financing the planning, acquisition, construction, renovation, improvement, and equipping of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps, the state finance committee is authorized to issue and sell general obligation bonds of the state of Washington in the sum of twenty-five million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds or bond anticipation notes authorized by this chapter shall be offered for sale without prior legislative appropriation and the bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1979 ex.s. c 221 § 2.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.020 Definitions.

As used in this chapter, the term "facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps" means real property and any interest therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances thereto, developed and owned by any public body within the state for purposes of the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps when used in the following limited programs as designated by the department of social and health services: nonprofit group training homes, community centers, close to home living units, sheltered workshops, vocational rehabilitation centers, developmental disability training centers, and community homes for the mentally ill.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof.

[1979 ex.s. c 221 § 3.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.025 Bond anticipation notes--Payment.

When the state finance committee has determined to issue the general obligation bonds, or a portion thereof, it may, pending the issuance of the bonds, issue in the name of the state temporary notes in anticipation of the bonds, which notes shall be designated as "bond anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for

the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

[1979 ex.s. c 221 § 4.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.030 Form, terms, conditions, etc., of bonds and notes.

The state finance committee is authorized to determine the amounts, dates, form, terms, conditions, denominations, interest rates, maturities, rights and manner of redemption prior to maturity, registration privileges, place(s) of payment, and covenants of the bonds and the bond anticipation notes; the time or times of sale of all or any portion of them; and the conditions and manner of their sale, issuance, and redemption.

[1979 ex.s. c 221 § 5.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.035 Pledge and promise.

Each bond and bond anticipation note shall state that it is a general obligation of the state of Washington, shall contain a pledge of the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain the state's unconditional promise to pay the principal and interest as the same shall become due.

[1979 ex.s. c 221 § 6.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.045 Administration of proceeds--Distribution--Transfer of fixed assets.

Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census; except that, each county with a population of less than twelve thousand shall receive an aggregate amount of up to

seventy-five thousand dollars if, through a procedure established in rule, the department has determined there is a demonstrated need and the share determined for such county is less than seventy-five thousand dollars. No single project in a county with a population of one million or more shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

In carrying out the purpose of this chapter, fixed assets acquired under this chapter, and no longer utilized by the program having custody of the assets, may be transferred to other public bodies either in the same county or another county. Prior to such transfer the department shall first determine if the assets can be used by another program as designated by the department of social and health services in RCW 43.99C.020. Such programs shall have priority in obtaining the assets to ensure the purpose of this chapter is carried out.

[1991 c 363 § 121; 1989 c 265 § 1; 1980 c 136 § 1; 1979 ex.s. c 221 § 8.]

Notes:

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Appropriation--1980 c 136: "There is hereby appropriated to the department of social and health services from the 1979 handicapped facilities construction account in the general fund the sum of twenty-five million dollars for the purposes of chapter 43.99C RCW. This appropriation shall be limited by the conditions contained in section 2 of this act." [1980 c 136 § 3.]

Severability--1980 c 136: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 136 § 4.]

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.047 Prohibition of expenditures not submitted in budget document or schedule--Capital appropriation--Exception--Contents.

(1) No expenditure of funds shall be allowed for facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps which have not been submitted to the legislature in a budget document or schedule as specified in RCW 43.88.030(3), and have been approved through a capital appropriation; except that, the fiscal committees of the legislature may approve such facilities which have been, not later than December 1, 1980, verified by the department of social and health services as meeting the assessed need of a county and being ready to proceed.

(2) In order to assure compliance with RCW 43.99C.045, such document or schedule shall indicate the population of each county, all requests submitted from each county for participation in the distribution of the bond proceeds, the requests which are proposed to be accepted, and the basis for acceptance.

[1980 c 136 § 2.]

Notes:

Appropriation--Severability--1980 c 136: See notes following RCW 43.99C.045.

RCW 43.99C.050 Retirement of bonds and notes from 1979 handicapped facilities bond redemption fund--Retirement of bonds and notes from state general obligation bond retirement fund.

The 1979 handicapped facilities bond redemption fund, hereby created in the state treasury, shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30 of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenue received in the state treasury and deposit in the 1979 handicapped facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 ex. sess., and becomes effective by statute prior to the issuance of any of the bonds authorized by this chapter, the state general obligation bond retirement fund shall be used for purposes of this chapter in lieu of the 1979 handicapped facilities bond redemption fund, and the 1979 handicapped facilities bond redemption fund shall cease to exist.

[1979 ex.s. c 221 § 9.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.
State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99C.055 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and the interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for the payment.

[1979 ex.s. c 221 § 10.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.060 Bonds legal investment for public funds.

The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1979 ex.s. c 221 § 11.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

**Chapter 43.99D RCW
WATER SUPPLY FACILITIES--1979 BOND ISSUE**

Sections

| | |
|------------|--|
| 43.99D.005 | Transfer of duties to the department of health. |
| 43.99D.010 | Declaration. |
| 43.99D.015 | General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required. |
| 43.99D.020 | Proceeds to be deposited in state and local improvements revolving account--Water supply facilities. |
| 43.99D.025 | Administration of proceeds--Use of funds. |
| 43.99D.030 | Definitions. |
| 43.99D.035 | Form, terms, conditions, etc., of bonds. |
| 43.99D.040 | Anticipation notes--Payment--Pledge and promise--Seal. |
| 43.99D.045 | Retirement of bonds from 1979 water supply facilities bond redemption fund--Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders. |
| 43.99D.050 | Legislature may provide additional means for payment of bonds. |
| 43.99D.055 | Bonds legal investment for public funds. |
| 43.99D.900 | Severability--1979 ex.s. c 258. |

RCW 43.99D.005 Transfer of duties to the department of health.

The powers and duties of the department of social and health services under this chapter shall be performed by the department of health.

[1989 1st ex.s. c 9 § 241.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.99D.010 Declaration.

The development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment, including the furnishing of an adequate supply of water for domestic and industrial purposes.

[1979 ex.s. c 258 § 1.]

RCW 43.99D.015 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized

to issue general obligation bonds of the state of Washington in the sum of ten million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1979 ex.s. c 258 § 2.]

RCW 43.99D.020 Proceeds to be deposited in state and local improvements revolving account--Water supply facilities.

The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of the proceeds, shall be deposited in the state and local improvements revolving account--water supply facilities in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1979 ex.s. c 258 § 3.]

RCW 43.99D.025 Administration of proceeds--Use of funds.

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account--water supply facilities of the general fund under the terms of this chapter shall be administered by the state department of health subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

[1991 c 3 § 301; 1979 ex.s. c 258 § 4.]

RCW 43.99D.030 Definitions.

As used in this chapter, the term "water supply facilities" means municipal and industrial water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal and industrial water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1979 ex.s. c 258 § 5.]

RCW 43.99D.035 Form, terms, conditions, etc., of bonds.

The state finance committee shall prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized by this chapter shall be sold for less than their par value.

[1979 ex.s. c 258 § 6.]

RCW 43.99D.040 Anticipation notes--Payment--Pledge and promise--Seal.

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on the anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1979 ex.s. c 258 § 7.]

RCW 43.99D.045 Retirement of bonds from 1979 water supply facilities bond redemption fund--Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders.

The 1979 water supply facilities bond redemption fund is created in the state treasury. This fund shall be used for the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1979 water supply facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 1st ex. sess., and becomes effective by statute prior to the issuance of any of the bonds authorized by this chapter, the state general obligation bond retirement fund shall be used for purposes of this chapter in lieu of the 1979 water supply facilities bond redemption fund, and the water supply facilities bond redemption fund shall cease to exist.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1979 ex.s. c 258 § 8.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99D.050 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1979 ex.s. c 258 § 9.]

RCW 43.99D.055 Bonds legal investment for public funds.

The bonds authorized by this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1979 ex.s. c 258 § 10.]

RCW 43.99D.900 Severability--1979 ex.s. c 258.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 258 § 13.]

**Chapter 43.99E RCW
WATER SUPPLY FACILITIES--1980 BOND ISSUE
(REFERENDUM 38)**

Sections

| | |
|------------|--|
| 43.99E.005 | Transfer of duties to the department of health. |
| 43.99E.010 | Declaration. |
| 43.99E.015 | General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required. |
| 43.99E.020 | Deposit of proceeds in state and local improvements revolving account--Water supply facilities--Use. |
| 43.99E.025 | Administration of proceeds. |
| 43.99E.030 | Definitions. |
| 43.99E.035 | Form, terms, conditions, etc., of bonds. |
| 43.99E.040 | Anticipation notes--Payment--Pledge and promise--Seal. |
| 43.99E.045 | Retirement of bonds from public water supply facilities bond redemption fund--Remedies of |

| | |
|------------|--|
| | bondholders--Debt-limit general fund bond retirement account. |
| 43.99E.050 | Legislature may provide additional means for payment of bonds. |
| 43.99E.055 | Bonds legal investment for public funds. |
| 43.99E.900 | Severability--1979 ex.s. c 234. |

RCW 43.99E.005 Transfer of duties to the department of health.

The powers and duties of the department of social and health services under this chapter shall be performed by the department of health.

[1989 1st ex.s. c 9 § 242.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.99E.010 Declaration.

The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, agricultural, municipal, fishery, recreational, and other beneficial uses.

[1979 ex.s. c 234 § 1.]

Notes:

Referral to electorate--1979 ex.s. c 234: "This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1980, in accordance with Article VIII, section 3 of the state Constitution, in accordance with Article II, section 1 of the state Constitution, and the laws adopted to facilitate the operation thereof." [1979 ex.s. c 234 § 12.]

Reviser's note: "This act," chapter 43.99E RCW (1979 ex.s. c 234), was adopted and ratified by the people at the November 4, 1980, general election (Referendum Bill No. 38). State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

RCW 43.99E.015 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-five million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

[1990 1st ex.s. c 15 § 8. Prior: 1989 1st ex.s. c 14 § 11; 1989 c 136 § 4; 1979 ex.s. c 234 § 2.]

Notes:

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

Intent--1989 c 136: See note following RCW 43.83A.020.

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.020 Deposit of proceeds in state and local improvements revolving account--Water supply facilities--Use.

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account--water supply facilities hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1979 ex.s. c 234 § 3.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.025 Administration of proceeds.

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account--water supply facilities of the general fund under the terms of this chapter shall be divided into two shares as follows:

(1) Seventy-five million dollars, or so much thereof as may be required, shall be used for domestic, municipal, and industrial water supply facilities; and

(2) Fifty million dollars, or so much thereof as may be required, shall be used for water supply facilities for agricultural use alone or in combination with fishery, recreational, or other beneficial uses of water.

The share of seventy-five million dollars shall be administered by the department of health and the share of fifty million dollars shall be administered by the department of ecology, subject to legislative appropriation. The administering departments may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for the issuance of the bonds by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

[1991 c 3 § 302; 1979 ex.s. c 234 § 4.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.030 Definitions.

As used in this chapter, the term "water supply facilities" means domestic, municipal, industrial, and agricultural (and any associated fishery, recreational, or other beneficial use) water supply or distribution systems including but not limited to all equipment, utilities,

structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof; a board of joint control; an agency of the federal government; and those Indian tribes which may constitutionally receive grants or loans from the state of Washington.

[1996 c 320 § 21; 1979 ex.s. c 234 § 5.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.035 Form, terms, conditions, etc., of bonds.

The state finance committee is authorized to prescribe the forms, terms, conditions, and covenants of the bonds; the time or times of sale of all or any portion of them; and the conditions and manner of their sale and issuance.

[1989 c 136 § 5; 1979 ex.s. c 234 § 6.]

Notes:

Intent--1989 c 136: See note following RCW 43.83A.020.

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.040 Anticipation notes--Payment--Pledge and promise--Seal.

When the state finance committee has decided to issue the bonds, or a portion of the bonds, it may, pending the issuance of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The portion of the proceeds of the sale of the bonds as may be required for this purpose shall be applied to the payment of the principal of and interest on the anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1979 ex.s. c 234 § 7.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.045 Retirement of bonds from public water supply facilities bond redemption fund--Remedies of bondholders--Debt-limit general fund bond retirement account.

The public water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the

bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the public water supply facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

If a debt-limit general fund bond retirement account is created in the state treasury by chapter 456, Laws of 1997 and becomes effective prior to the issuance of any of the bonds authorized by this chapter, the debt-limit general fund bond retirement account shall be used for the purposes of this chapter in lieu of the public water supply facilities bond redemption fund.

[1997 c 456 § 13; 1979 ex.s. c 234 § 8.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99E.050 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be considered to provide an exclusive method for the payment.

[1979 ex.s. c 234 § 9.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.055 Bonds legal investment for public funds.

The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1979 ex.s. c 234 § 10.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.900 Severability--1979 ex.s. c 234.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 234 § 11.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

Chapter 43.99F RCW
WASTE DISPOSAL FACILITIES--1980 BOND ISSUE
(REFERENDUM 39)

Sections

| | |
|------------|--|
| 43.99F.010 | Declaration. |
| 43.99F.020 | General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required. |
| 43.99F.030 | Deposit of proceeds in state and local improvements revolving account, Waste Disposal Facilities, 1980--Use. |
| 43.99F.040 | Administration of proceeds. |
| 43.99F.050 | Definitions. |
| 43.99F.060 | Form, terms, conditions, etc., of bonds. |
| 43.99F.070 | Anticipation notes--Payment--Pledge and promise--Seal. |
| 43.99F.080 | Retirement of bonds from waste disposal facilities bond redemption fund--Remedies of bondholders--Debt-limit general fund bond retirement account. |
| 43.99F.090 | Legislature may provide additional means for payment of bonds. |
| 43.99F.100 | Bonds legal investment for public funds. |
| 43.99F.110 | Referral to electorate. |

RCW 43.99F.010 Declaration.

The long-range development goals for the state of Washington must include the protection of the resources and environment of the state, the health and safety of its people, and the beneficial uses of water by providing facilities and systems, among others, for the general control, collection, treatment, or disposal of nonradioactive solid and nonradioactive liquid waste materials. The purpose of this chapter is to assist the state and local governments in providing that protection but it is not the purpose of this chapter to provide funding for facilities which encourage development. A high priority in the expenditure of these funds shall be the protection of sole-source aquifers designated pursuant to the federal Safe Drinking Water Act (88 Stat. 1660) which aquifers have been designated as of July 24, 1983.

[1983 c 269 § 1; 1980 c 159 § 1.]

RCW 43.99F.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

For the purpose of providing funds to public bodies for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities, or for purposes of assisting a public body to obtain an ownership interest in waste disposal and management facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, in this state, the state finance committee is authorized to issue general obligation bonds of the state of

Washington in the sum of three hundred thirty million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for: (1) the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 57.16.010. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

[1996 c 230 § 1611; 1990 1st ex.s. c 15 § 9. Prior: 1989 1st ex.s. c 14 § 12; 1989 c 136 § 6; 1987 c 436 § 2; 1980 c 159 § 2.]

Notes:

Part headings not law--Effective date--1996 c 230: See notes following RCW 57.02.001.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

Intent--1989 c 136: See note following RCW 43.83A.020.

RCW 43.99F.030 Deposit of proceeds in state and local improvements revolving account, Waste Disposal Facilities, 1980--Use.

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 44; 1985 c 57 § 56; 1980 c 159 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.99F.040 Administration of proceeds.

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as cost-sharing funds in any case where federal, local, or other funds are made available on a cost-sharing basis for improvements within the purposes of this chapter. The department shall ensure that funds derived from the sale of bonds authorized under this chapter do not constitute more than seventy-five percent of the total cost of any waste disposal or management facility.

Not more than two percent of the proceeds of the bond issue may be used by the department of ecology in relation to the administration of the expenditures, grants, and loans.

At least one hundred fifty million dollars of the proceeds of the bonds authorized by this chapter shall be used exclusively for waste management systems capable of producing renewable energy or energy savings as a result of the management of the wastes. "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, or fuel through the use of wastes by incineration, refuse-derived fuel processes, pyrolysis, hydrolysis, or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the department may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

Funds provided for waste disposal and management facilities under this chapter may be used for payments to a service provider under a service agreement pursuant to RCW 70.150.060. If funds are to be used for such payments, the department may make periodic disbursements to a public body or may make a single lump sum disbursement. Disbursements of funds with respect to a facility owned or operated by a service provider shall be equivalent in value to disbursements that would otherwise be made if that facility were owned or operated by a public body. Payments under this chapter for waste disposal and management facilities made to public bodies entering into service agreements pursuant to RCW 70.150.060 shall not exceed amounts paid to public bodies not entering into service agreements.

[1998 c 245 § 80; 1996 c 37 § 1; 1987 c 436 § 3; 1980 c 159 § 4.]

RCW 43.99F.050 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Waste disposal and management facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, recycling, or recovery of nonradioactive liquid wastes or nonradioactive solid wastes, or a combination thereof, including but not limited to, sanitary sewage, storm water, residential, industrial, commercial, and agricultural wastes, and concentrations of organic sediments waste, inorganic nutrients, and toxic materials which are causing environmental degradation and loss of the beneficial use of the environment, and material segregated into recyclables and nonrecyclables. Waste disposal and management facilities may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose. As used in this chapter, the phrase "waste disposal and management facilities" shall not include the acquisition of equipment used to collect residential or commercial garbage.

(2) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those

Indian tribes now or hereafter recognized as such by the federal government.

(3) "Control" means those measures necessary to maintain and/or restore the beneficial uses of polluted land and water resources including, but not limited to, the diversion, sedimentation, flocculation, dredge and disposal, or containment or treatment of nutrients, organic waste, and toxic material to restore the beneficial use of the state's land and water resources and prevent the continued pollution of these resources.

(4) "Planning" means the development of comprehensive plans for the purpose of identifying state-wide or regional needs for specific waste disposal facilities as well as the development of plans specific to a particular project.

(5) "Department" means the department of ecology.

[1987 c 436 § 4; 1980 c 159 § 5.]

RCW 43.99F.060 Form, terms, conditions, etc., of bonds.

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

[1989 c 136 § 7; 1980 c 159 § 6.]

Notes:

Intent--1989 c 136: See note following RCW 43.83A.020.

RCW 43.99F.070 Anticipation notes--Payment--Pledge and promise--Seal.

When the state finance committee has decided to issue the bonds, or a portion thereof, it may, pending the issuing of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for this purpose shall be applied to the payment of the principal of and interest on any of these anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1980 c 159 § 7.]

RCW 43.99F.080 Retirement of bonds from waste disposal facilities bond redemption fund--Remedies of bondholders--Debt-limit general fund bond retirement account.

The waste disposal facilities bond redemption fund shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30th of each year, shall certify to the state

treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the waste disposal facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this chapter.

If a debt-limit general fund bond retirement account is created in the state treasury by chapter 456, Laws of 1997 and becomes effective prior to the issuance of any of the bonds authorized by this chapter, the debt-limit general fund bond retirement account shall be used for the purposes of this chapter in lieu of the waste disposal facilities bond redemption fund.

[1997 c 456 § 14; 1980 c 159 § 8.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99F.090 **Legislature may provide additional means for payment of bonds.**

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1980 c 159 § 9.]

RCW 43.99F.100 **Bonds legal investment for public funds.**

The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1980 c 159 § 10.]

RCW 43.99F.110 **Referral to electorate.**

This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1980, in accordance with the provisions of Article VIII, section 3, of the Constitution of the state of Washington, and in accordance with the provisions of Article II, section 1, of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1980 c 159 § 12.]

Notes:

Reviser's note: "This act," chapter 43.99F RCW, was adopted and ratified by the people at the November 4, 1980, general election (Referendum Bill No. 39). State Constitution Art. 2 § 1(d) provides: ". . . Such measure

[initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

Chapter 43.99G RCW BONDS FOR CAPITAL PROJECTS

Sections

1985 BOND ISSUE

- 43.99G.010 General obligation bonds authorized--Terms--Appropriation required--Short-term obligations.
- 43.99G.020 Conditions and limitations--Deposit of proceeds--Administration.
- 43.99G.030 Retirement of bonds from debt-limit general fund bond retirement account.
- 43.99G.040 Retirement of bonds from nondebt-limit reimbursable bond retirement account.
- 43.99G.050 Retirement of bonds from debt-limit general fund bond retirement account.
- 43.99G.060 Pledge and promise--Remedies of bondholders.
- 43.99G.070 Institutions of higher education--Apportionment of principal and interest payments--Transfer of moneys to general fund.
- 43.99G.080 Legislature may provide additional means for payment of bonds.
- 43.99G.090 Bonds legal investment for public funds.

1987 BOND ISSUE

- 43.99G.100 General obligation bonds authorized--Terms--Appropriation required--Short-term obligations.
- 43.99G.102 Conditions and limitations--Deposit of proceeds--Administration.
- 43.99G.104 Retirement of bonds from debt-limit general fund bond retirement account.
- 43.99G.108 Pledge and promise--Remedies of bondholders.
- 43.99G.112 Legislature may provide additional means for payment of bonds.
- 43.99G.114 Bonds legal investment for public funds.

CONSTRUCTION

- 43.99G.900 Severability--1985 ex.s. c 4.
- 43.99G.901 Severability--1987 1st ex.s. c 3.

1985 BOND ISSUE

RCW 43.99G.010 General obligation bonds authorized--Terms--Appropriation required--Short-term obligations.

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two hundred eighty-five million eight hundred fifty-one thousand dollars, or so much thereof as may be required, to finance the projects authorized in RCW 43.99G.020 and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of

the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1985 ex.s. c 4 § 1.]

RCW 43.99G.020 Conditions and limitations--Deposit of proceeds--Administration.

Bonds issued under RCW 43.99G.010 are subject to the following conditions and limitations:

(1) General obligation bonds of the state of Washington in the sum of thirty-eight million fifty-four thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for grants and loans to local governments and subdivisions of the state for capital projects through the community economic revitalization board and for the department of general administration, military department, parks and recreation commission, and department of corrections to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of general administration, subject to legislative appropriation.

(2) General obligation bonds of the state of Washington in the sum of four million six hundred thirty-five thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the planning, design, acquisition, construction, and improvement of a Washington state agricultural trade center, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this

subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered as provided in the capital budget acts, subject to legislative appropriation.

(3) General obligation bonds of the state of Washington in the sum of twenty-five million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of social and health services and the department of corrections to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, and grounds, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the social and health services construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of social and health services, subject to legislative appropriation.

(4) General obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the *department of fisheries to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the fisheries capital projects account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of fisheries, subject to legislative appropriation.

(5) General obligation bonds of the state of Washington in the sum of fifty-three million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for state agencies and the institutions of higher education, including the community colleges, to perform capital renewal projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state facilities renewal account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered as provided in the capital budget

acts, subject to legislative appropriation.

(6) General obligation bonds of the state of Washington in the sum of twenty-two million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the University of Washington and the state community colleges to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, improving, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education reimbursable short-term bond account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the University of Washington, subject to legislative appropriation.

(7) General obligation bonds of the state of Washington in the sum of twenty-eight million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by Washington State University, subject to legislative appropriation.

(8) General obligation bonds of the state of Washington in the sum of seventy-five million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education, including facilities for the community college system, to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account in the state treasury and shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this

subsection.

[1989 1st ex.s. c 14 § 13; 1988 c 36 § 22; 1986 c 103 § 1; 1985 ex.s. c 4 § 2.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.030 Retirement of bonds from debt-limit general fund bond retirement account.

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99G.020 (1) through (6) shall be payable from the debt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 15; 1989 1st ex.s. c 14 § 19; 1985 ex.s. c 4 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.040 Retirement of bonds from nondebt-limit reimbursable bond retirement account.

Both principal of and interest on the bonds issued for the purposes of RCW 43.99G.020(7) shall be payable from the nondebt-limit reimbursable bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit reimbursable bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 16; 1989 1st ex.s. c 14 § 20; 1985 ex.s. c 4 § 4.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.050 Retirement of bonds from debt-limit general fund bond retirement account.

Both principal of and interest on the bonds issued for the purposes of RCW 43.99G.020(8) shall be payable from the debt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 17; 1989 1st ex.s. c 14 § 21; 1985 ex.s. c 4 § 5.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.060 Pledge and promise--Remedies of bondholders.

Bonds issued under RCW 43.99G.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1985 ex.s. c 4 § 6.]

RCW 43.99G.070 Institutions of higher education--Apportionment of principal and interest payments--Transfer of moneys to general fund.

On or before June 30th of each year and in accordance with the provisions of the bond proceedings the state finance committee shall determine the relative shares of the principal and interest payments determined pursuant to RCW 43.99G.040, exclusive of deposit interest credit, attributable to each of the institutions of higher education in proportion to the principal amount of bonds issued for the purposes of RCW 43.99G.020(7) for projects for each institution. On each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of each institution of higher education shall cause the amount so computed to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

[1989 1st ex.s. c 14 § 22; 1985 ex.s. c 4 § 7.]

Notes:

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.080 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99G.010, and RCW 43.99G.030 through 43.99G.050 shall not be deemed to provide an exclusive method for the payment.

[1985 ex.s. c 4 § 8.]

RCW 43.99G.090 Bonds legal investment for public funds.

The bonds authorized in RCW 43.99G.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1985 ex.s. c 4 § 9.]

1987 BOND ISSUE

RCW 43.99G.100 General obligation bonds authorized--Terms--Appropriation required--Short-term obligations.

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of four hundred twelve million three hundred thousand dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1987-1989 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1987 1st ex.s. c 3 § 1.]

RCW 43.99G.102 Conditions and limitations--Deposit of proceeds--Administration.

Bonds issued under RCW 43.99G.100 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of four hundred four million four hundred thousand dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1987-1989 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited as follows:

One hundred forty million five hundred thousand dollars in the state building construction account created in RCW 43.83.020.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the office of financial management, subject to legislative appropriation.

[1989 1st ex.s. c 14 § 14; 1987 1st ex.s. c 3 § 2.]

Notes:

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.104 Retirement of bonds from debt-limit general fund bond retirement account.

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99G.102 shall be payable from the debt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 18; 1989 1st ex.s. c 14 § 23; 1987 1st ex.s. c 3 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.108 Pledge and promise--Remedies of bondholders.

Bonds issued under RCW 43.99G.100 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1987 1st ex.s. c 3 § 5.]

RCW 43.99G.112 Legislature may provide additional means for payment of bonds.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99G.100 and 43.99G.104 shall not be deemed to provide an exclusive method for the payment.

[1989 1st ex.s. c 14 § 24; 1987 1st ex.s. c 3 § 7.]

Notes:

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.114 Bonds legal investment for public funds.

The bonds authorized in RCW 43.99G.100 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1987 1st ex.s. c 3 § 8.]

CONSTRUCTION

RCW 43.99G.900 Severability--1985 ex.s. c 4.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1985 ex.s. c 4 § 16.]

RCW 43.99G.901 Severability--1987 1st ex.s. c 3.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1987 1st ex.s. c 3 § 13.]

Chapter 43.99H RCW
FINANCING FOR APPROPRIATIONS--1989-1991 BIENNIUM

Sections

| | |
|------------|--|
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| 43.99H.020 | Conditions and limitations. |
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| 43.99H.900 | Severability--1989 1st ex.s. c 14. |
| 43.99H.901 | Effective dates--1989 1st ex.s. c 14. |

RCW 43.99H.010 1989-1991 Fiscal biennium--General obligation bonds for capital and operating appropriations act.

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion four hundred four million dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1989-1991 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto, and to provide for reimbursement of bond-funded accounts from the 1987-1989 fiscal biennium.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1990 1st ex.s. c 15 § 1; 1989 1st ex.s. c 14 § 1.]

Notes:

Severability--1990 1st ex.s. c 15: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 1st ex.s. c 15 § 14.]

RCW 43.99H.020 Conditions and limitations.

Bonds issued under RCW 43.99H.010 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion four hundred four million dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1989-91 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects, and to provide for reimbursement of bond-funded accounts from the 1987-89 fiscal biennium. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Thirty million dollars to the state and local improvements revolving account--waste disposal facilities, created by RCW 43.83A.030, to be used for the purposes described in RCW 43.83A.020;

(2) Five million three hundred thousand dollars to the salmon enhancement construction account created by *RCW 75.48.030;

(3) One hundred twenty million dollars to the state and local improvements revolving account--waste disposal facilities, 1980 created by RCW 43.99F.030, to be used for the purposes described in RCW 43.99F.020;

(4) Forty million dollars to the common school construction fund as referenced in RCW 28A.515.320.

(5) Three million two hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(6) Eight hundred five million dollars to the state building construction account created by RCW 43.83.020;

(7) Nine hundred fifty thousand dollars to the higher education reimbursable short-term bond account created by RCW 43.99G.020(6);

(8) Twenty-nine million seven hundred thirty thousand dollars to the outdoor recreation account created by **RCW 43.99.060;

(9) Sixty million dollars to the state and local improvements revolving account--water supply facilities, created by RCW 43.99E.020 to be used for the purposes described in chapter 43.99E RCW;

(10) Four million three hundred thousand dollars to the state social and health services construction account created by RCW 43.83H.030;

(11) Two hundred fifty thousand dollars to the fisheries capital projects account created by RCW 43.83I.040;

(12) Four million nine hundred thousand dollars to the state facilities renewal account created by RCW 43.99G.020(5);

(13) Two million three hundred thousand dollars to the essential rail assistance account created by ***RCW 47.76.030;

(14) One million one hundred thousand dollars to the essential rail bank account hereby created in the state treasury;

(15) Seventy-three million dollars to the east capitol campus construction account hereby created in the state treasury;

(16) Eight million dollars to the higher education construction account created in RCW 28B.14D.040;

(17) Sixty-three million two hundred thousand dollars to the labor and industries construction account hereby created in the state treasury;

(18) Seventy-five million dollars to the higher education construction account created by RCW 28B.14D.040;

(19) Twenty-six million five hundred fifty thousand dollars to the habitat conservation account hereby created in the state treasury; and

(20) Eight million dollars to the public safety reimbursable bond account hereby created in the state treasury.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

Bonds authorized for the purposes of subsection (17) of this section shall be issued only after the director of the department of labor and industries has certified, based on reasonable estimates, that sufficient revenues will be available from the accident fund created in RCW 51.44.010 and the medical aid fund created in RCW 51.44.020 to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Bonds authorized for the purposes of subsection (18) of this section shall be issued only after the board of regents of the University of Washington has certified, based on reasonable estimates, that sufficient revenues will be available from nonappropriated local funds to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

[1990 1st ex.s. c 15 § 2; 1990 c 33 § 582; 1989 1st ex.s. c 14 § 2.]

Notes:

Reviser's note: (1) This section was amended by 1990 c 33 § 582 and by 1990 1st ex.s. c 15 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

*(2) RCW 75.48.030 was repealed by 1991 sp.s. c 13 § 122, effective July 1, 1991.

******(3) RCW 43.99.060 was recodified as RCW 79A.25.060 pursuant to 1999 c 249 § 1601.

*******(4) RCW 47.76.030 was recodified as RCW 47.76.250 pursuant to 1993 c 224 § 15.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 43.99H.030 Retirement of bonds.

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99H.020 (1) through (3), (5) through (14), and (19) shall be payable from the debt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 19; 1991 sp.s. c 31 § 13; 1990 1st ex.s. c 15 § 4; 1989 1st ex.s. c 14 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--1991 sp.s. c 31: See RCW 43.99I.900.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

RCW 43.99H.040 Retirement of bonds.

(1) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(16) shall be payable from the nondebt-limit reimbursable bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit reimbursable bond retirement account such amounts and at such times as are required by the bond proceedings.

(2) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(15) shall be payable from the debt-limit reimbursable bond retirement account and nondebt-limit reimbursable bond retirement account as set forth under RCW 43.99H.060(2).

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit reimbursable bond retirement account and nondebt-limit reimbursable bond retirement account as set forth under RCW 43.99H.060(2) such amounts and at such times as are required by the bond proceedings.

(3) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(17) shall be payable from the nondebt-limit proprietary appropriated bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit proprietary appropriated bond retirement account such amounts and at such times as are required by the bond proceedings.

(4) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(18) shall be payable from the nondebt-limit reimbursable bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit reimbursable bond retirement account such amounts and at such times as are required by the bond proceedings.

(5) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(20) shall be payable from the nondebt-limit reimbursable bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit reimbursable bond retirement account such amounts and at such times as are required by the bond proceedings.

(6) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(4) shall be payable from the nondebt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 20; 1991 sp.s. c 31 § 14; 1990 1st ex.s. c 15 § 5; 1989 1st ex.s. c 14 § 4.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--1991 sp.s. c 31: See RCW 43.99I.900.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

RCW 43.99H.050 Pledge and promise--Remedies.

Bonds issued under RCW 43.99H.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1989 1st ex.s. c 14 § 5.]

RCW 43.99H.060 Reimbursement of general fund.

(1) For bonds issued for the purposes of RCW 43.99H.020(16), on each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of Washington State University shall cause the amount computed in RCW 43.99H.040(1) to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

(2) For bonds issued for the purposes of RCW 43.99H.020(15), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(2) from the capitol campus reserve account, hereby created in the state treasury, to the general fund of the state treasury. At the time of sale of the bonds issued for the purposes of RCW 43.99H.020(15), and on or before June 30th of each succeeding year while such bonds remain outstanding, the state finance committee shall determine, based on current balances and estimated receipts and expenditures from the capitol campus reserve account, that portion of principal and interest on such RCW 43.99H.020(15) bonds which will, by virtue of payments from the capitol campus reserve account, be reimbursed from sources other than "general state revenues" as that term is defined in Article VIII, section 1 of the state Constitution. The amount so determined by the state finance committee, as from time to time adjusted in accordance with this subsection, shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060.

(3) For bonds issued for the purposes of RCW 43.99H.020(17), on each date on which any interest or principal and interest payment is due, the director of the department of labor and industries shall cause fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the accident fund created in RCW 51.44.010 and fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the medical aid fund created in RCW 51.44.020, to the general fund of the state treasury.

(4) For bonds issued for the purposes of RCW 43.99H.020(18), on each date on which any interest or principal and interest payment is due, the board of regents of the University of Washington shall cause the amount computed in RCW 43.99H.040(4) to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury.

(5) For bonds issued for the purposes of RCW 43.99H.020(20), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount

computed in RCW 43.99H.040(5) from the public safety and education account created in RCW 43.08.250 to the general fund of the state treasury.

(6) For bonds issued for the purposes of RCW 43.99H.020(4), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer from property taxes in the state general fund levied for the support of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted use the amount computed in RCW 43.99H.040(6).

[1991 sp.s. c 31 § 15; 1990 1st ex.s. c 15 § 6; 1989 1st ex.s. c 14 § 6.]

Notes:

Severability--1991 sp.s. c 31: See RCW 43.99I.900.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

RCW 43.99H.070 East capitol campus construction account--Additional means of reimbursement.

In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of RCW 43.99H.020(15), the following revenues may be collected:

(1) The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant of the facility or building constructed with bonds issued for the purposes of RCW 43.99H.020(15) for payment of a proportion of costs for each square foot of floor space assigned to or occupied by the entity. Payment of the amount billed to the entity for such occupancy shall be made quarterly during each fiscal year. The director of general administration shall deposit the payment in the capitol campus reserve account.

(2) The director of general administration may pledge a portion of the parking rental income collected by the department of general administration from parking space developed as a part of the facility constructed with bonds issued for the purposes of RCW 43.99H.020(15). The pledged portion of this income shall be deposited in the capitol campus reserve account. The unpledged portion of this income shall continue to be deposited in the state vehicle parking account.

(3) The state treasurer shall transfer four million dollars from the capitol building construction account to the capitol campus reserve account each fiscal year from 1990 to 1995. Beginning in fiscal year 1996, the director of general administration, in consultation with the state finance committee, shall determine the necessary amount for the state treasurer to transfer from the capitol building construction account to the capitol campus reserve account for the purpose of repayment of the general fund of the costs of the bonds issued for the purposes of RCW 43.99H.020(15).

(4) Any remaining balance in the state building and parking bond redemption account after the final debt service payment shall be transferred to the capitol campus reserve account.

[1995 c 215 § 6; 1989 1st ex.s. c 14 § 7.]

RCW 43.99H.080 1989-1991 Fiscal biennium general obligation bonds for capital and operating appropriations act--Additional means for payment of principal and interest.

The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized in RCW 43.99H.010. RCW 43.99H.030 and 43.99H.040 shall not be deemed to provide an exclusive method for the payment.

[1990 1st ex.s. c 15 § 3; 1989 1st ex.s. c 14 § 8.]

Notes:

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

RCW 43.99H.090 1989-1991 Fiscal biennium general obligation bonds for capital and operating appropriations act--Legal investment.

The bonds authorized in RCW 43.99H.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1989 1st ex.s. c 14 § 9.]

RCW 43.99H.900 Severability--1989 1st ex.s. c 14.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 1st ex.s. c 14 § 26.]

RCW 43.99H.901 Effective dates--1989 1st ex.s. c 14.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989, except for section 18 of this act which shall take effect immediately [June 1, 1989].

[1989 1st ex.s. c 14 § 28.]

**Chapter 43.99I RCW
FINANCING FOR APPROPRIATIONS--1991-1993 BIENNIUM**

Sections

| | |
|------------|---|
| 43.99I.010 | 1991-1993 Fiscal biennium--General obligation bonds for capital and operating appropriations act. |
| 43.99I.020 | Conditions and limitations. |
| 43.99I.030 | Retirement of bonds. |
| 43.99I.040 | Reimbursement of general fund. |

| | |
|------------|---|
| 43.99I.060 | Pledge and promise--Remedies. |
| 43.99I.070 | Additional means for payment of principal and interest. |
| 43.99I.080 | Legal investment. |
| 43.99I.090 | Dairy products commission--Bond conditions and limitations. |
| 43.99I.100 | Data processing building construction account. |
| 43.99I.110 | Dairy products commission facility account. |
| 43.99I.900 | Severability--1991 sp.s. c 31. |

RCW 43.99I.010 1991-1993 Fiscal biennium--General obligation bonds for capital and operating appropriations act.

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion two hundred eighty-four million dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1991-1993 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1992 c 235 § 1; 1991 sp.s. c 31 § 1.]

RCW 43.99I.020 Conditions and limitations.

Bonds issued under RCW 43.99I.010 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion two hundred seventy-one million sixty-five thousand dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1991-93 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or

credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Eight hundred thirty-five thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(2) Eight hundred seventy-one million dollars to the state building construction account created by RCW 43.83.020;

(3) Two million eight hundred thousand dollars to the energy efficiency services account created by *RCW 39.35C.110;

(4) Two hundred fifty-five million five hundred thousand dollars to the common school reimbursable construction account hereby created in the state treasury;

(5) Ninety-eight million six hundred forty-eight thousand dollars to the higher education reimbursable construction account hereby created in the state treasury;

(6) Three million two hundred eighty-four thousand dollars to the data processing building construction account created in RCW 43.99I.100; and

(7) Nine hundred thousand dollars to the Washington state dairy products commission facility account created in RCW 43.99I.110.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

[1997 c 456 § 38; 1992 c 235 § 2; 1991 sp.s. c 31 § 2.]

NOTES:

***Reviser's note:** RCW 39.35C.110 was repealed by 2001 c 292 § 4.

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99I.030 Retirement of bonds.

(1)(a) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020 (1) and (2) shall be payable from the debt-limit general fund bond retirement account.

(b) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020(3) shall be payable from the nondebt-limit proprietary appropriated bond retirement account.

(c) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020(4) shall be payable from the nondebt-limit general fund bond retirement account.

(d) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020 (5) and (6) shall be payable from the nondebt-limit reimbursable bond retirement account.

(e) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020(7) shall be payable from the nondebt-limit proprietary nonappropriated bond

retirement account.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the appropriate account as set forth under subsection (1) of this section such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 21; 1991 sp.s. c 31 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99I.040 Reimbursement of general fund.

(1) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(4), the state treasurer shall transfer from property taxes in the state general fund levied for this support of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted use the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(4).

(2) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(5), the state treasurer shall transfer from higher education operating fees deposited in the general fund to the general fund of the state treasury for unrestricted use, or if chapter 231, Laws of 1992 (Senate Bill No. 6285) becomes law and changes the disposition of higher education operating fees from the general fund to another account, the state treasurer shall transfer the proportional share from the University of Washington operating fees account, the Washington State University operating fees account, and the Central Washington University operating fees account the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(6), the state treasurer shall transfer from the data processing revolving fund created in RCW 43.105.080 to the general fund of the state treasury the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6).

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purpose of RCW 43.99I.020(7), the Washington state dairy products commission shall cause the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(7) to be paid out of the commission's general operating fund to the state treasurer for deposit into the general fund of the state treasury.

(5) The higher education operating fee accounts for the University of Washington, Washington State University, and Central Washington University established by chapter 231, Laws of 1992 and repealed by chapter 18, Laws of 1993 1st sp. sess. are reestablished in the state treasury for purposes of fulfilling debt service reimbursement transfers to the general fund

required by bond resolutions and covenants for bonds issued for purposes of RCW 43.99I.020(5).

(6) For bonds issued for purposes of RCW 43.99I.020(5), on each date on which any interest or principal and interest payment is due, the board of regents or board of trustees of the University of Washington, Washington State University, or Central Washington University shall cause the amount as determined by the state treasurer to be paid out of the local operating fee account for deposit by the universities into the state treasury higher education operating fee accounts. The state treasurer shall transfer the proportional share from the University of Washington operating fees account, the Washington State University operating fees account, and the Central Washington University operating fees account the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6) to reimburse the general fund.

[1997 c 456 § 39; 1992 c 235 § 3; 1991 sp.s. c 31 § 4.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99I.060 Pledge and promise--Remedies.

Bonds issued under RCW 43.99I.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1991 sp.s. c 31 § 6.]

RCW 43.99I.070 Additional means for payment of principal and interest.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99I.010, and RCW 43.99I.030 and 43.99I.040 shall not be deemed to provide an exclusive method for the payment.

[1991 sp.s. c 31 § 7.]

RCW 43.99I.080 Legal investment.

The bonds authorized in RCW 43.99I.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1991 sp.s. c 31 § 8.]

RCW 43.99I.090 Dairy products commission--Bond conditions and limitations.

The bonds authorized by RCW 43.99I.020(7) shall be issued only after the director of financial management has (a) certified that, based on the future income from assessments levied pursuant to chapter 15.44 RCW and other revenues collected by the Washington state dairy products commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments due under RCW 43.99I.040(3) for the life of the bonds; and (b) approved the facility to be acquired using the bond proceeds.

[1997 c 456 § 40; 1992 c 235 § 5.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99I.100 Data processing building construction account.

The data processing building construction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for acquisition of land for and construction of a data processing building.

[1992 c 235 § 7.]

RCW 43.99I.110 Dairy products commission facility account.

The Washington state dairy products commission facility account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for acquisition, renovation, or construction of a permanent facility for the Washington state dairy products commission.

[1992 c 235 § 8.]

RCW 43.99I.900 Severability--1991 sp.s. c 31.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1991 sp.s. c 31 § 18.]

**Chapter 43.99J RCW
FINANCING FOR APPROPRIATIONS--1993-1995 BIENNIUM**

Sections

43.99J.010 1993-1995 Fiscal biennium--General obligation bonds for capital and operating appropriations acts.

| | |
|------------|---|
| 43.99J.020 | Conditions and limitations. |
| 43.99J.030 | Retirement of bonds--Pledge and promise--Remedies. |
| 43.99J.040 | Additional means for payment of principal and interest. |
| 43.99J.050 | Legal investment. |
| 43.99J.060 | Washington state fruit commission--Reimbursement of general fund. |
| 43.99J.070 | Washington state fruit commission--Bond conditions and limitations. |
| 43.99J.080 | Fruit commission facility account. |
| 43.99J.900 | Severability--1993 sp.s. c 12. |

RCW 43.99J.010 1993-1995 Fiscal biennium--General obligation bonds for capital and operating appropriations acts.

For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1993-95 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred twenty-six million seven hundred thirty-seven thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1993 sp.s. c 12 § 1.]

RCW 43.99J.020 Conditions and limitations.

The proceeds from the sale of the bonds authorized in RCW 43.99J.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(1) Nine hundred three million dollars to remain in the state building construction account created by RCW 43.83.020; and

(2) One million five hundred thousand dollars to the fruit commission facility account.

These proceeds shall be used exclusively for the purposes specified in this section, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[1993 sp.s. c 12 § 2.]

Notes:

Reviser's note: The 1994 publication of this code section inadvertently omitted two lines of text. The full text of the law is reprinted here.

RCW 43.99J.030 Retirement of bonds--Pledge and promise--Remedies.

(1)(a) The debt-limit general fund bond retirement account shall be used for the payment

of the principal of and interest on the bonds authorized in RCW 43.99J.020(1).

(b) The nondebt-limit proprietary nonappropriated bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99J.020(2).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account or nondebt-limit proprietary nonappropriated bond retirement account, as necessary, an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) Bonds issued under RCW 43.99J.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1997 c 456 § 22; 1993 sp.s. c 12 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99J.040 Additional means for payment of principal and interest.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99J.010, and RCW 43.99J.030 shall not be deemed to provide an exclusive method for the payment.

[1993 sp.s. c 12 § 7.]

RCW 43.99J.050 Legal investment.

The bonds authorized in RCW 43.99J.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1993 sp.s. c 12 § 8.]

RCW 43.99J.060 Washington state fruit commission--Reimbursement of general fund.

On each date on which any interest or principal and interest payment is due for the purposes of RCW 43.99J.020(2), the Washington state fruit commission shall cause the amount computed by the state finance committee in RCW 43.99J.030 for the purposes of RCW 43.99J.020(2) to be paid out of the commission's general operating fund to the state treasurer for deposit into the general fund of the state treasury.

[1993 sp.s. c 12 § 4.]

RCW 43.99J.070 Washington state fruit commission--Bond conditions and limitations.

The bonds authorized in RCW 43.99J.020(2) may be issued only after the director of financial management has: (1) Certified that, based on the future income from assessments levied under this chapter and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments due under RCW 43.99J.060 for the life of the bonds; and (2) approved the plans for facility.

[1993 sp.s. c 12 § 5.]

RCW 43.99J.080 Fruit commission facility account.

The fruit commission facility account is created in the state treasury. Moneys in the account may be spent only after appropriation.

[1993 sp.s. c 12 § 6.]

RCW 43.99J.900 Severability--1993 sp.s. c 12.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 sp.s. c 12 § 10.]

**Chapter 43.99K RCW
FINANCING FOR APPROPRIATIONS--1995-1997 BIENNIUM**

Sections

| | |
|------------|--|
| 43.99K.010 | 1995-1997 Fiscal biennium--General obligation bonds for capital and operating appropriations acts. |
| 43.99K.020 | Conditions and limitations. |
| 43.99K.030 | Retirement of bonds--Reimbursement of general fund--Pledge and promise--Remedies. |
| 43.99K.040 | Additional means for payment of principal and interest. |
| 43.99K.050 | Legal investment. |
| 43.99K.900 | Severability--1995 2nd sp.s. c 17. |

RCW 43.99K.010 1995-1997 Fiscal biennium--General obligation bonds for capital and operating appropriations acts.

For the purpose of providing funds to finance the projects described and authorized by

the legislature in the capital and operating appropriations acts for the 1995-97 fiscal biennium only, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight hundred sixty-seven million one hundred sixty thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1997 c 456 § 41; 1995 2nd sp.s. c 17 § 1.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99K.020 Conditions and limitations.

The proceeds from the sale of the bonds authorized in RCW 43.99K.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Seven hundred eighty-five million four hundred thirty-eight thousand dollars to remain in the state building construction account created by RCW 43.83.020;
- (2) Twenty-two million five hundred thousand dollars to the outdoor recreation account created by *RCW 43.99.060;
- (3) Twenty-one million one hundred thousand dollars to the habitat conservation account created by *RCW 43.98A.020;
- (4) Two million nine hundred twelve thousand dollars to the public safety reimbursable bond account; and
- (5) Ten million dollars to the higher education construction account created by RCW 28B.14D.040.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[1997 c 456 § 42; 1995 2nd sp.s. c 17 § 2.]

Notes:

***Reviser's note:** RCW 43.99.060 and 43.98A.020 were recodified as RCW 79A.25.060 and 79A.15.020, respectively, pursuant to 1999 c 249 § 1601.

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99K.030 Retirement of bonds--Reimbursement of general fund--Pledge and promise--Remedies.

(1)(a) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99K.020 (1), (2), and (3).

(b) The debt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99K.020(4).

(c) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99K.020(5).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account, debt-limit reimbursable bond retirement account, nondebt-limit reimbursable bond retirement account, as necessary, an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99K.020(4), the state treasurer shall transfer from the public safety and education account to the general fund of the state treasury the amount computed in subsection (2) of this section for the bonds issued for the purposes of RCW 43.99K.020(4).

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99K.020(5), the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99K.020(5).

(5) Bonds issued under this section and RCW 43.99K.010 and 43.99K.020 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(6) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1997 c 456 § 23; 1995 2nd sp.s. c 17 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99K.040 Additional means for payment of principal and interest.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99K.010, and RCW 43.99K.030 shall not be deemed to provide an exclusive method for the payment.

[1995 2nd sp.s. c 17 § 4.]

RCW 43.99K.050 Legal investment.

The bonds authorized in RCW 43.99K.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1995 2nd sp.s. c 17 § 5.]

RCW 43.99K.900 Severability--1995 2nd sp.s. c 17.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1995 2nd sp.s. c 17 § 8.]

**Chapter 43.99L RCW
FINANCING FOR APPROPRIATIONS--1997-1999 BIENNIUM**

Sections

| | |
|------------|---|
| 43.99L.010 | General obligation bonds for capital and operating appropriations acts. |
| 43.99L.020 | Conditions and limitations. |
| 43.99L.030 | Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account. |
| 43.99L.040 | Retirement of bonds--Reimbursement of general fund from debt-limit reimbursable bond retirement account. |
| 43.99L.050 | Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account. |
| 43.99L.060 | Pledge and promise--Remedies. |
| 43.99L.070 | Payment of principal and interest--Additional means for raising moneys authorized. |
| 43.99L.080 | Legal investment. |
| 43.99L.900 | Severability--1997 c 456. |

RCW 43.99L.010 General obligation bonds for capital and operating appropriations acts.

For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1997-99 fiscal biennium only, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred eighty-nine million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1997 c 456 § 1.]

RCW 43.99L.020 Conditions and limitations.

The proceeds from the sale of the bonds authorized in RCW 43.99L.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Nine hundred fifteen million dollars to remain in the state building construction account created by RCW 43.83.020;
- (2) One million six hundred thousand dollars to the public safety reimbursable bond account; and
- (3) Forty-four million three hundred thousand dollars to the higher education construction account created by RCW 28B.14D.040.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[1997 c 456 § 2.]

RCW 43.99L.030 Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account.

(1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99L.020(1).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99L.020(1).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purpose of RCW 43.99L.020(1), the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

[1997 c 456 § 3.]

RCW 43.99L.040 Retirement of bonds--Reimbursement of general fund from debt-limit reimbursable bond retirement account.

(1) The debt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99L.020(2).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bonds [bond] retirement and interest requirements on the bonds authorized in RCW 43.99L.020(2).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purpose of RCW 43.99L.020(2), the state treasurer shall transfer from the public

safety and education account to the debt-limit reimbursable bond retirement account the amount computed in subsection (2) of this section for the bonds issued for the purpose of RCW 43.99L.020(2).

[1997 c 456 § 4.]

RCW 43.99L.050 Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.

(1) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99L.020(3).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99L.020(3).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99L.020(3), the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the nondebt-limit reimbursable bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99L.020(3).

[1997 c 456 § 5.]

RCW 43.99L.060 Pledge and promise--Remedies.

(1) Bonds issued under RCW 43.99L.010 through 43.99L.050 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1997 c 456 § 6.]

RCW 43.99L.070 Payment of principal and interest--Additional means for raising moneys authorized.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99L.010, and RCW 43.99L.030 through 43.99L.050 shall not be deemed to provide an exclusive method for the payment.

[1997 c 456 § 7.]

RCW 43.99L.080 Legal investment.

The bonds authorized in RCW 43.99L.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1997 c 456 § 8.]

RCW 43.99L.900 Severability--1997 c 456.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1997 c 456 § 46.]

**Chapter 43.99M RCW
BOND RETIREMENT ACCOUNTS**

Sections

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| 43.99M.005 | Findings. |
| 43.99M.010 | Debt-limit general fund bond retirement account. |
| 43.99M.020 | Debt-limit reimbursable bond retirement account. |
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| 43.99M.040 | Nondebt-limit reimbursable bond retirement account. |
| 43.99M.050 | Nondebt-limit proprietary appropriated bond retirement account. |
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| 43.99M.080 | Transportation improvement board bond retirement account. |
| 43.99M.900 | Severability--1997 c 456. |
| 43.99M.901 | Effective date--1997 c 456 §§ 9-43. |

RCW 43.99M.005 Findings.

(1) The legislature declares that it is in the best interest of the state and the owners and holders of the bonds issued by the state and its political subdivisions that the accounts used by the treasurer for debt service retirement are accurately designated and named in statute.

(2) It is the intent of the legislature in this chapter and sections 10 through 37, chapter 456, Laws of 1997 to create and change the names of funds and accounts to accomplish the declaration under subsection (1) of this section. The legislature does not intend to diminish in any way the current obligations of the state or its political subdivisions or diminish in any way the rights of bond owners and holders.

[1997 c 456 § 9.]

RCW 43.99M.010 Debt-limit general fund bond retirement account.

The debt-limit general fund bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 30.]

RCW 43.99M.020 Debt-limit reimbursable bond retirement account.

The debt-limit reimbursable bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 31.]

RCW 43.99M.030 Nondebt-limit general fund bond retirement account.

The nondebt-limit general fund bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 32.]

RCW 43.99M.040 Nondebt-limit reimbursable bond retirement account.

The nondebt-limit reimbursable bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 33.]

RCW 43.99M.050 Nondebt-limit proprietary appropriated bond retirement account.

The nondebt-limit proprietary appropriated bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 34.]

RCW 43.99M.060 Nondebt-limit proprietary nonappropriated bond retirement account.

The nondebt-limit proprietary nonappropriated bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 35.]

RCW 43.99M.070 Nondebt-limit revenue bond retirement account.

The nondebt-limit revenue bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 36.]

RCW 43.99M.080 Transportation improvement board bond retirement account.

The transportation improvement board bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 37.]

RCW 43.99M.900 Severability--1997 c 456.

See RCW 43.99L.900.

RCW 43.99M.901 Effective date--1997 c 456 §§ 9-43.

Sections 9 through 43 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 20, 1997].

[1997 c 456 § 47.]

**Chapter 43.99N RCW
STADIUM AND EXHIBITION CENTER BOND ISSUE
(REFERENDUM 48)**

Sections

- | | |
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| 43.99N.010 | Definitions. |
| 43.99N.020 | General obligation bonds--Certifications by public stadium authority--Obligations of team affiliate. |
| 43.99N.030 | Escrow agreement, account--Distributions. |
| 43.99N.040 | Stadium and exhibition center construction account. |
| 43.99N.050 | Payment of principal and interest from nondebt-limit reimbursable bond retirement account--Transfers of certified amounts--Bonds as general obligation, full faith and credit, promise to pay--Insufficiency in stadium and exhibition center account as obligation--Proceedings to require transfer and payment. |
| 43.99N.060 | Stadium and exhibition center account--Youth athletic facility account--Community outdoor athletic facility loans and grants. |
| 43.99N.070 | Sections null and void if certification not made by office of financial management--Conditions. |

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| 43.99N.080 | Additional means for raising moneys authorized. |
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| 43.99N.100 | Total public share--State contribution limited. |
| 43.99N.110 | Bonds exempt from statutory indebtedness. |
| 43.99N.120 | Loans--Terms and conditions of repayment and interest. |
| 43.99N.800 | Referendum only measure for taxes for stadium and exhibition center--Limiting legislation upon failure to approve--1997 c 220. |
| 43.99N.801 | Legislation as opportunity for voter's decision--Not indication of legislators' personal vote on referendum proposal--1997 c 220. |
| 43.99N.802 | Contingency--Null and void--Team affiliate's agreement for reimbursement for election--1997 c 220. |
| 43.99N.803 | Referendum--Submittal--Explanatory statement--Voters' pamphlet--Voting procedures--Canvassing and certification--Reimbursement of counties for costs--No other elections on stadium and exhibition center--1997 c 220. |
| 43.99N.900 | Part headings not law--1997 c 220. |
| 43.99N.901 | Severability--1997 c 220. |

RCW 43.99N.010 Definitions.

The definitions in RCW 36.102.010 apply to this chapter.

[1997 c 220 § 209 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.020 General obligation bonds--Certifications by public stadium authority--Obligations of team affiliate.

(1) For the purpose of providing funds to pay for operation of the public stadium authority created under RCW 36.102.020, to pay for the preconstruction, site acquisition, design, site preparation, construction, owning, leasing, and equipping of the stadium and exhibition center, and to reimburse the county or the public stadium authority for its direct or indirect expenditures or to repay other indebtedness incurred for these purposes, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred million dollars, or so much thereof as may be required, for these purposes and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine.

(2) Bonds shall not be issued under this section unless the public stadium authority has certified to the director of financial management that:

(a) A professional football team has made a binding and legally enforceable contractual commitment to play all of its regular season and playoff home games in the stadium and exhibition center, other than games scheduled elsewhere by the league, for a period of time not shorter than the term of the bonds issued or to be issued to finance the initial construction of the stadium and exhibition center;

(b) A team affiliate has entered into one or more binding and legally enforceable contractual commitments with a public stadium authority under RCW 36.102.050 that provide

that:

(i) The team affiliate assumes the risks of cost overruns;

(ii) The team affiliate shall raise at least one hundred million dollars, less the amount, if any, raised by the public stadium authority under RCW 36.102.060(15). The total one hundred million dollars raised, which may include cash payments and in-kind contributions, but does not include any interest earned on the escrow account described in RCW 43.99N.030, shall be applied toward the reasonably necessary preconstruction, site acquisition, design, site preparation, construction, and equipping of the stadium and exhibition center, or to any associated public purpose separate from bond-financed expenses. No part of the payment may be made without the consent of the public stadium authority. In any event, all amounts to be raised by the team affiliate under (b)(ii) of this subsection shall be paid or expended before the completion of the construction of the stadium and exhibition center. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium and exhibition center that are exempt from federal income taxes;

(iii) The team affiliate shall deposit at least ten million dollars into the *youth athletic facility grant account created in RCW 43.99N.060 upon execution of the lease and development agreements in RCW 36.102.060 (7) and (8);

(iv) At least ten percent of the seats in the stadium for home games of the professional football team shall be for sale at an affordable price. For the purposes of this subsection, "affordable price" means that the price is the average of the lowest ticket prices charged by all other national football league teams;

(v) One executive suite with a minimum of twenty seats must be made available, on a lottery basis, as a free upgrade, at home games of the professional football team, to purchasers of tickets that are not located in executive suites or club seat areas;

(vi) A nonparticipatory interest in the professional football team has been granted to the state beginning on the date on which bonds are issued under this section which only entitles the state to receive ten percent of the gross selling price of the interest in the team that is sold if a majority interest or more of the professional football team is sold within twenty-five years of the date on which bonds are issued under the [this] section. The ten percent shall apply to all preceding sales of interests in the team which comprise the majority interest sold. This provision shall apply only to the first sale of such a majority interest. The ten percent must be deposited in the permanent common school fund. If the debt is retired at the time of the sale, then the ten percent may only be used for costs associated with capital maintenance, capital improvements, renovations, reequipping, replacement, and operations of the stadium and exhibition center;

(vii) The team affiliate must provide reasonable office space to the public stadium authority without charge;

(viii) The team affiliate, in consultation with the public stadium authority, shall work with surrounding areas to mitigate the impact of the construction and operation of the stadium and exhibition center with a budget of at least ten million dollars dedicated to area mitigation. For purposes of this subsection, "mitigation" includes, but is not limited to, parking facilities and amenities, neighborhood beautification projects and landscaping, financial grants for neighborhood programs intended to mitigate adverse impacts caused by the construction and

operation of the stadium and exhibition center, and mitigation measures identified in the environmental impact statement required for the stadium and exhibition center under chapter 43.21C RCW; and

(ix) Twenty percent of the net profit from the operation of the exhibition facility of the stadium and exhibition center shall be deposited into the permanent common school fund. Profits shall be verified by the public stadium authority.

[1997 c 220 § 210 (Referendum Bill No. 48, approved June 17, 1997).]

Notes:

***Reviser's note:** The "youth athletic facility grant account" was renamed the "youth athletic facility account" by 2000 c 137 § 1.

RCW 43.99N.030 Escrow agreement, account--Distributions.

On or before August 1, 1997: (1) The state treasurer and a team affiliate or an entity that has an option to become a team affiliate shall enter into an escrow agreement creating an escrow account; and (2) the team affiliate or the entity that has an option to become a team affiliate shall deposit the sum of fifty million dollars into the escrow account as a credit against the obligation of the team affiliate in RCW 43.99N.020(2)(b)(ii).

The escrow agreement shall provide that the fifty million dollar deposit shall be invested by the state treasurer and shall earn interest. If the stadium and exhibition center project proceeds, then the interest on amounts in the escrow account shall be for the benefit of the state, and all amounts in the escrow account, including all principal and interest, shall be distributed to the stadium and exhibition center account. The escrow agreement shall provide for appropriate adjustments based on amounts previously and subsequently raised by the team affiliate under RCW 43.99N.020(2)(b)(ii) and amounts previously and subsequently raised by the public stadium authority under RCW 36.102.060(15). If the stadium and exhibition center project does not proceed, all principal and the interest in the escrow account shall be distributed to the team affiliate or the entity that has an option to become a team affiliate.

[1997 c 220 § 211 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.040 Stadium and exhibition center construction account.

The proceeds from the sale of the bonds authorized in RCW 43.99N.020 shall be deposited in the stadium and exhibition center construction account, hereby created in the custody of the state treasurer, and shall be used exclusively for the purposes specified in RCW 43.99N.020 and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. At the direction of the office of financial management the state treasurer shall transfer moneys from the stadium and exhibition center construction account to the public stadium authority created in RCW 36.102.020 as required by

the public stadium authority.

[1997 c 220 § 212 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.050 Payment of principal and interest from nondebt-limit reimbursable bond retirement account--Transfers of certified amounts--Bonds as general obligation, full faith and credit, promise to pay--Insufficiency in stadium and exhibition center account as obligation--Proceedings to require transfer and payment.

The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99N.020.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall transfer from the stadium and exhibition center account to the nondebt-limit reimbursable bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.99N.020 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due. If in any year the amount accumulated in the stadium and exhibition center account is insufficient for payment of the principal and interest on the bonds issued under RCW 43.99N.020, the amount of the insufficiency shall be a continuing obligation against the stadium and exhibition center account until paid.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1997 c 220 § 213 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.060 Stadium and exhibition center account--Youth athletic facility account--Community outdoor athletic facility loans and grants.

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of

the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. Only the director of the interagency committee for outdoor recreation or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the interagency committee for outdoor recreation. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. The director of the interagency committee for outdoor

recreation may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

[2000 c 137 § 1; 1997 c 220 § 214 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.070 Sections null and void if certification not made by office of financial management--Conditions.

Unless *the office of financial management certifies by December 31, 1997, that the following conditions have been met, sections 201 through 208, chapter 220, Laws of 1997 are null and void:

(1) The professional football team that will use the stadium and exhibition center is at least majority-owned and controlled by, directly or indirectly, one or more persons who are each residents of the state of Washington and who have been residents of the state of Washington continuously since at least January 1, 1993;

(2) The county in which the stadium and exhibition center is to be constructed has created a public stadium authority under this chapter to acquire property, construct, own, remodel, maintain, equip, reequip, repair, and operate a stadium and exhibition center;

(3) The county in which the stadium and exhibition center is to be constructed has enacted the taxes authorized in RCW 36.38.010(5) and 36.38.040; and

(4) The county in which the stadium and exhibition center is to be constructed pledges to maintain and continue the taxes authorized in RCW 36.38.010(5), 67.28.180, and 36.38.040 until the bonds authorized in RCW 43.99N.020 are fully redeemed, both principal and interest.

[1997 c 220 § 215 (Referendum Bill No. 48, approved June 17, 1997).]

Notes:

***Reviser's note:** The office of financial management certified on December 3, 1997, that the conditions in subsections (1) through (4) of this section had been met.

RCW 43.99N.080 Additional means for raising moneys authorized.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99N.020, and RCW 43.99N.050 shall not be deemed to provide an exclusive method for the payment.

[1997 c 220 § 216 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.090 Bonds as legal investment.

The bonds authorized in RCW 43.99N.020 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1997 c 220 § 217 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.100 Total public share--State contribution limited.

(1) The total public share of a stadium and exhibition center shall not exceed three hundred million dollars. For the purposes of this section, "total public share" means all state and local funds expended for preconstruction and construction costs of the stadium and exhibition center, including proceeds of any bonds issued for the purposes of the stadium and exhibition center, tax revenues, and interest earned on the escrow account described in RCW 43.99N.030 and not including expenditures for deferred sales taxes.

(2) Sections 201 through 207, chapter 220, Laws of 1997 and this chapter constitute the entire state contribution for a stadium and exhibition center. The state will not make any additional contributions based on revised cost or revenue estimates, cost overruns, unforeseen circumstances, or any other reason.

[1997 c 220 § 218 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.110 Bonds exempt from statutory indebtedness.

The bonds authorized for the purposes identified in RCW 43.99N.020 are exempt from the statutory limitations of indebtedness under RCW 39.42.060.

[1997 c 220 § 219 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.120 Loans--Terms and conditions of repayment and interest.

The Washington state interagency committee for outdoor recreation, in consultation with the community outdoor athletic fields advisory council, shall establish the terms and conditions of repayment and interest, based on financial considerations for any loans made under this section. Loans made under this section shall be low or no interest.

[2000 c 137 § 2.]

RCW 43.99N.800 Referendum only measure for taxes for stadium and exhibition center--Limiting legislation upon failure to approve--1997 c 220.

See RCW 36.102.800.

RCW 43.99N.801 Legislation as opportunity for voter's decision--Not indication of legislators' personal vote on referendum proposal--1997 c 220.

See RCW 36.102.801.

RCW 43.99N.802 Contingency--Null and void--Team affiliate's agreement for reimbursement for election--1997 c 220.

See RCW 36.102.802.

RCW 43.99N.803 Referendum--Submittal--Explanatory statement--Voters'

pamphlet--Voting procedures--Canvassing and certification--Reimbursement of counties for costs--No other elections on stadium and exhibition center--1997 c 220.

See RCW 36.102.803.

RCW 43.99N.900 Part headings not law--1997 c 220.

See RCW 36.102.900.

RCW 43.99N.901 Severability--1997 c 220.

See RCW 36.102.901.

**Chapter 43.99P RCW
FINANCING FOR APPROPRIATIONS--1999-2001 BIENNIUM**

Sections

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| 43.99P.020 | Conditions and limitations. |
| 43.99P.030 | Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account. |
| 43.99P.040 | Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account. |
| 43.99P.050 | Pledge and promise--Remedies. |
| 43.99P.060 | Payment of principal and interest--Additional means for raising moneys authorized. |
| 43.99P.070 | Legal investment. |
| 43.99P.900 | Severability--1999 c 380. |
| 43.99P.901 | Effective date--1999 c 380. |

RCW 43.99P.010 General obligation bonds for capital and operating appropriations acts.

For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriation acts for the 1999-01 fiscal biennium only, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion two hundred four million two hundred sixty-five thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1999 c 380 § 1.]

RCW 43.99P.020 Conditions and limitations.

The proceeds from the sale of the bonds authorized in RCW 43.99P.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(1) Nine hundred fifty million dollars to remain in the state building construction account created by RCW 43.83.020;

(2) Twenty-two million five hundred thousand dollars to the outdoor recreation account created by *RCW 43.99.060;

(3) Twenty-two million five hundred thousand dollars to the habitat conservation account created by *RCW 43.98A.020;

(4) One hundred thirty-six million eight hundred thirty-six thousand dollars to the higher education construction account created by RCW 28B.14D.040;

(5) Thirty-six million three hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[1999 c 380 § 2.]

Notes:

***Reviser's note:** RCW 43.99.060 and 43.98A.020 were recodified as RCW 79A.25.060 and 79A.15.020, respectively, pursuant to 1999 c 249 § 1601.

RCW 43.99P.030 Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account.

(1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99P.020 (1), (2), and (3).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99P.020 (1), (2), and (3).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99P.020 (1), (2), and (3) the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

[1999 c 380 § 3.]

RCW 43.99P.040 Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.

(1) The nondebt-limit reimbursable bond retirement account shall be used for the

payment of the principal of and interest on the bonds authorized in RCW 43.99P.020 (4) and (5).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99P.020 (4) and (5).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99P.020(4), the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99P.020(4).

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99P.020(5), the board of regents of Washington State University shall cause to be paid out of the Washington State University nonappropriated funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99P.020(5).

[1999 c 380 § 4.]

RCW 43.99P.050 Pledge and promise--Remedies.

(1) Bonds issued under RCW 43.99P.010 through 43.99P.040 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1999 c 380 § 5.]

RCW 43.99P.060 Payment of principal and interest--Additional means for raising moneys authorized.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99P.010, and RCW 43.99P.020 through 43.99P.040 shall not be deemed to provide an exclusive method for the payment.

[1999 c 380 § 6.]

RCW 43.99P.070 Legal investment.

The bonds authorized in RCW 43.99P.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1999 c 380 § 7.]

RCW 43.99P.900 Severability--1999 c 380.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1999 c 380 § 10.]

RCW 43.99P.901 Effective date--1999 c 380.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 18, 1999].

[1999 c 380 § 12.]

**Chapter 43.99Q RCW
FINANCING FOR APPROPRIATIONS--2001-2003 BIENNIUM**

Sections

| | |
|------------|--|
| 43.99Q.010 | General obligation bonds for capital and operating appropriations acts. |
| 43.99Q.020 | Conditions and limitations. |
| 43.99Q.030 | Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account. |
| 43.99Q.040 | Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account. |
| 43.99Q.050 | Pledge and promise--Remedies. |
| 43.99Q.060 | Payment of principal and interest--Additional means for raising money authorized. |
| 43.99Q.070 | East plaza garage project--General obligation bonds. |
| 43.99Q.080 | East plaza garage project--Conditions and limitations. |
| 43.99Q.090 | East plaza garage project--Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account. |
| 43.99Q.100 | East plaza garage project--Pledge and promise--Remedies. |
| 43.99Q.110 | East plaza garage project--Payment of principal and interest--Additional means for raising moneys authorized. |
| 43.99Q.120 | Legislative building rehabilitation project--Finding--Intent--Exemption from debt limit. |
| 43.99Q.130 | Legislative building rehabilitation project--General obligation bonds. |
| 43.99Q.140 | Legislative building rehabilitation project--Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account. |
| 43.99Q.150 | Legislative building rehabilitation project--Pledge and promise--Remedies. |
| 43.99Q.160 | Legislative building rehabilitation project--Payment of principal and interest--Additional means for raising money authorized. |
| 43.99Q.170 | Legal investment. |
| 43.99Q.900 | Severability--2001 2nd sp.s. c 9. |

43.99Q.901 Effective date--2001 2nd sp.s. c 9.

RCW 43.99Q.010 General obligation bonds for capital and operating appropriations acts.

For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriation acts for the 2001-2003 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred thirty-five million five hundred thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[2001 2nd sp.s. c 9 § 1.]

RCW 43.99Q.020 Conditions and limitations.

The proceeds from the sale of the bonds authorized in RCW 43.99Q.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(1) Seven hundred seventy-four million two hundred thousand dollars to remain in the state building construction account created by RCW 43.83.020;

(2) Twenty-two million five hundred thousand dollars to the outdoor recreation account created by RCW 79A.25.060;

(3) Twenty-two million five hundred thousand dollars to the habitat conservation account created by RCW 79A.15.020;

(4) Sixty million dollars to the state taxable building construction account which is hereby established in the state treasury. All receipts from taxable bond issues are to be deposited into the account. If the state finance committee deems it necessary to issue more than fifty million dollars of the bonds authorized in RCW 43.99Q.010 as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation;

(5) Twenty-nine million twenty-five thousand dollars to the higher education construction account created by RCW 28B.140.040 [28B.14D.040].

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[2001 2nd sp.s. c 9 § 2.]

RCW 43.99Q.030 Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account.

(1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99Q.020 (1), (2), (3), and (4).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99Q.020 (1), (2), (3), and (4).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99Q.020 (1), (2), (3), and (4) the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

[2001 2nd sp.s. c 9 § 3.]

RCW 43.99Q.040 Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.

(1) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99Q.020(5).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99Q.020(5).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99Q.020(5), the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99Q.020(5).

[2001 2nd sp.s. c 9 § 4.]

RCW 43.99Q.050 Pledge and promise--Remedies.

(1) Bonds issued under RCW 43.99Q.010 through 43.99Q.040 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[2001 2nd sp.s. c 9 § 5.]

RCW 43.99Q.060 Payment of principal and interest--Additional means for raising money authorized.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99Q.010, and RCW 43.99Q.020 through 43.99Q.040 shall not be deemed to provide an exclusive method for the payment.

[2001 2nd sp.s. c 9 § 6.]

RCW 43.99Q.070 East plaza garage project--General obligation bonds.

For the purpose of providing funds for the planning, design, construction, and other necessary costs for replacing the waterproof membrane over the east plaza garage and revising related landscaping, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixteen million dollars, or as much thereof as may be required, to finance this project and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[2001 2nd sp.s. c 9 § 7.]

RCW 43.99Q.080 East plaza garage project--Conditions and limitations.

The proceeds from the sale of the bonds authorized in RCW 43.99Q.070 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows: Fifteen million five hundred twenty thousand dollars to the state vehicle parking account created by RCW 43.01.225.

These proceeds shall be used exclusively for the purposes specified in RCW 43.99Q.070 and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[2001 2nd sp.s. c 9 § 8.]

RCW 43.99Q.090 East plaza garage project--Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.

(1) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99Q.070.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99Q.070.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99Q.080, the state treasurer shall transfer from the state vehicle parking account for deposit into the nondebt-limit reimbursable bond retirement account, the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99Q.070.

[2001 2nd sp.s. c 9 § 9.]

RCW 43.99Q.100 East plaza garage project--Pledge and promise--Remedies.

(1) Bonds issued under RCW 43.99Q.070 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[2001 2nd sp.s. c 9 § 10.]

RCW 43.99Q.110 East plaza garage project--Payment of principal and interest--Additional means for raising moneys authorized.

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99Q.070, and RCW 43.99Q.080 and 43.99Q.090 shall not be deemed to provide an exclusive method for the payment.

[2001 2nd sp.s. c 9 § 11.]

RCW 43.99Q.120 Legislative building rehabilitation project--Finding--Intent--Exemption from debt limit.

The legislature finds that it is necessary to complete the rehabilitation of the state legislative building, to extend the useful life of the building, and provide for the permanent relocation of offices displaced by the rehabilitation and create new space for public uses.

Furthermore, it is the intent of the legislature to fund the majority of the rehabilitation and construction using bonds repaid by the capitol building construction account, as provided for in the enabling act and dedicated by the federal government for the sole purpose of establishing a state capitol, to fund the cash elements of the project using capital project surcharge revenues in the Thurston county capital facilities account, and to support the establishment of a private foundation to engage the public in the preservation of the state legislative building and raise private funds for restoration and educational efforts. The bonds repaid by the capitol building construction account, whose revenues are from the sale of capitol building lands, timber, or other materials, shall be exempt from the state debt limit under RCW 39.42.060, and if at any time the capitol building construction account has insufficient revenues to repay the bonds, the legislature may provide additional means for the payment of the bonds, but any such additional means shall be subject to the state debt limit.

[2001 2nd sp.s. c 9 § 13.]

RCW 43.99Q.130 Legislative building rehabilitation project--General obligation bonds.

For the purpose of providing funds for the planning, design, construction, and other necessary costs for the rehabilitation of the state legislative building, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighty-two million five hundred ten thousand dollars or as much thereof as may be required to

finance the rehabilitation and improvements to the legislative building and all costs incidental thereto. The approved rehabilitation plan includes costs associated with earthquake repairs and future earthquake mitigation and allows for associated relocation costs and the acquisition of appropriate relocation space. Bonds authorized in this section shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060, to the extent that the bond payments are paid from the capitol building construction account. Bonds authorized in this section may be sold at a price the state finance committee determines. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The proceeds of the sale of the bonds issued for the purposes of this section shall be deposited in the capitol historic district construction account hereby created in the state treasury. These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[2001 2nd sp.s. c 9 § 14.]

RCW 43.99Q.140 Legislative building rehabilitation project--Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.

(1) The nondebt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in RCW 43.99Q.130.

(2)(a) The state finance committee must, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99Q.130.

(b) On or before the date on which any interest or principal and interest is due, the state treasurer shall transfer from the capitol building construction account for deposit into the nondebt-limit reimbursable bond retirement account, the amount computed in (a) of this subsection for bonds issued for the purposes of RCW 43.99Q.130.

(3) If the capitol building construction account has insufficient revenues to pay the principal and interest computed in subsection (2)(a) of this section, then the debt-limit reimbursable bond retirement account shall be used for the payment of the principal and interest on the bonds authorized in RCW 43.99Q.130 from any additional means provided by the legislature.

[2001 2nd sp.s. c 9 § 15.]

RCW 43.99Q.150 Legislative building rehabilitation project--Pledge and promise--Remedies.

(1) Bonds issued under RCW 43.99Q.130 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal and interest, and shall contain an unconditional promise to pay the principal and interest as it becomes due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[2001 2nd sp.s. c 9 § 16.]

RCW 43.99Q.160 Legislative building rehabilitation project--Payment of principal and interest--Additional means for raising money authorized.

The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized in RCW 43.99Q.130, and RCW 43.99Q.140 and 43.99Q.150 shall not be deemed to provide an exclusive method for their payment.

[2001 2nd sp.s. c 9 § 17.]

RCW 43.99Q.170 Legal investment.

The bonds authorized in RCW 43.99Q.010, 43.99Q.070, and 43.99Q.130 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[2001 2nd sp.s. c 9 § 12.]

RCW 43.99Q.900 Severability--2001 2nd sp.s. c 9.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[2001 2nd sp.s. c 9 § 20.]

RCW 43.99Q.901 Effective date--2001 2nd sp.s. c 9.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 26, 2001].

[2001 2nd sp.s. c 9 § 21.]

**Chapter 43.101 RCW
CRIMINAL JUSTICE TRAINING COMMISSION--EDUCATION AND TRAINING
STANDARDS BOARDS**

Sections

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| 43.101.020 | Commission created--Purpose. |
| 43.101.030 | Membership. |
| 43.101.040 | Terms of members--Vacancies. |
| 43.101.050 | Cessation of membership upon termination of office or employment. |
| 43.101.060 | Chair and vice chair--Quorum--Meetings. |
| 43.101.070 | Compensation--Reimbursement of travel expenses. |

- 43.101.080 Commission powers and duties--Rules and regulations.
- 43.101.085 Additional powers and duties.
- 43.101.095 Peace officer certification.
- 43.101.105 Denial or revocation of peace officer certification.
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- 43.101.340 Boards--Powers--Report to commission.
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- 43.101.350 Core training requirements.
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- 43.101.370 Child abuse and neglect--Intensive training.
- 43.101.380 Hearings--Standard of proof--Appeals--Judicial review.
- 43.101.390 Immunity of commission and boards.
- 43.101.400 Confidentiality of records.
- 43.101.900 Severability--1974 ex.s. c 94.
- 43.101.901 Transfer of conference center.
- 43.101.902 Effective date--2001 c 167.

RCW 43.101.010 Definitions. (Effective until January 1, 2002.)

When used in this chapter:

- (1) The term "commission" means the Washington state criminal justice training

commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

[1981 c 132 § 2; 1977 ex.s. c 212 § 1; 1974 ex.s. c 94 § 1.]

NOTES:

Civil rights

loss of: State Constitution Art. 6 § 3, RCW 29.10.097.

restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

RCW 43.101.010 Definitions. (Effective January 1, 2002.)

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals

whose civil rights have been limited in some way by legal sanction.

(6) A peace officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(7) "Discharged for disqualifying misconduct" means terminated from employment for: (a) Conviction of (i) any crime committed under color of authority as a peace officer, (ii) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (iii) the unlawful use or possession of a controlled substance, or (iv) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (b) conduct that would constitute any of the crimes addressed in (a) of this subsection; or (c) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

(8) A peace officer is "discharged for disqualifying misconduct" within the meaning of subsection (7) of this section under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of subsection (7) of this section.

(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

(10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under *RCW 77.12.055 are peace officers for purposes of this chapter.

[2001 c 167 § 1; 1981 c 132 § 2; 1977 ex.s. c 212 § 1; 1974 ex.s. c 94 § 1.]

NOTES:

***Reviser's note:** RCW 77.12.055 was recodified as RCW 77.15.075 by 2001 c 253 § 61.

Civil rights

loss of: State Constitution Art. 6 § 3, RCW 29.10.097.

restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

RCW 43.101.020 Commission created--Purpose.

There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

The purpose of such commission shall be to provide programs and standards for the training of criminal justice personnel.

[1974 ex.s. c 94 § 2.]

RCW 43.101.030 Membership.

The commission shall consist of fourteen members, who shall be selected as follows:

(1) The governor shall appoint two incumbent sheriffs and two incumbent chiefs of police.

(2) The governor shall appoint one officer at or below the level of first line supervisor from a county law enforcement agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer.

(3) The governor shall appoint one person employed in a county correctional system and one person employed in the state correctional system.

(4) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney.

(5) The governor shall appoint one elected official of a local government.

(6) The governor shall appoint one private citizen.

(7) The three remaining members shall be:

(a) The attorney general;

(b) The special agent in charge of the Seattle office of the federal bureau of investigation;
and

(c) The chief of the state patrol.

[1999 c 97 § 1; 1981 c 132 § 3; 1979 ex.s. c 55 § 1; 1974 ex.s. c 94 § 3.]

RCW 43.101.040 Terms of members--Vacancies.

All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth: PROVIDED, That of the members first appointed three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms.

[1974 ex.s. c 94 § 4.]

RCW 43.101.050 Cessation of membership upon termination of office or employment.

Any member of the commission appointed pursuant to RCW 43.101.030 as an incumbent official or as an employee in a correctional system, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the commission.

[1974 ex.s. c 94 § 5.]

RCW 43.101.060 Chair and vice chair--Quorum--Meetings.

The commission shall elect a chair and a vice chair from among its members. Seven members of the commission shall constitute a quorum. The governor shall summon the commission to its first meeting.

Meetings may be called by the chair and shall be called by him or her upon the written request of six members.

[1999 c 97 § 2; 1974 ex.s. c 94 § 6.]

RCW 43.101.070 Compensation--Reimbursement of travel expenses.

Members of the commission shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Attendance at meetings of the commission shall be deemed performance by a member of the duties of his employment.

[1984 c 287 § 85; 1975-'76 2nd ex.s. c 34 § 126; 1974 ex.s. c 94 § 7.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.
Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.101.080 Commission powers and duties--Rules and regulations.

The commission shall have all of the following powers:

- (1) To meet at such times and places as it may deem proper;
- (2) To adopt any rules and regulations as it may deem necessary;
- (3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
- (4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
- (5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to purchase, lease, or otherwise acquire, subject to the approval of the department of general administration, a training facility or facilities necessary to the conducting of such programs;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovate, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

[2001 c 166 § 1; 1982 c 124 § 1; 1975-'76 2nd ex.s. c 17 § 3. Prior: 1975 1st ex.s. c 103 § 1; 1975 1st ex.s. c 82 § 1; 1974 ex.s. c 94 § 8.]

RCW 43.101.085 Additional powers and duties. (Effective January 1, 2002.)

In addition to its other powers granted under this chapter, the commission has authority and power to:

- (1) Adopt, amend, or repeal rules as necessary to carry out this chapter;
- (2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;
- (3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;
- (4) Appoint members of a hearings board as provided under RCW 43.101.380;
- (5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;
- (6) Grant, deny, or revoke certification of peace officers under the provisions of this chapter;
- (7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter; and
- (8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

[2001 c 167 § 7.]

RCW 43.101.095 Peace officer certification. (Effective January 1, 2002.)

(1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter. The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(3) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under RCW 43.101.155, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

[2001 c 167 § 2.]

RCW 43.101.105 Denial or revocation of peace officer certification. (Effective January 1, 2002.)

Upon request by a peace officer's employer or on its own initiative, the commission may

deny or revoke certification of any peace officer, after written notice and hearing, if a hearing is timely requested by the peace officer under RCW 43.101.155, based upon a finding of one or more of the following conditions:

(1) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;

(2) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;

(4) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2002;

(5) The peace officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

[2001 c 167 § 3.]

RCW 43.101.115 Denial or revocation of peace officer certification--Readmission to academy--Reinstatement. (Effective January 1, 2002.)

(1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A peace officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in

rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A peace officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

[2001 c 167 § 4.]

RCW 43.101.125 Lapsed peace officer certification--Reinstatement--Rules. (Effective January 1, 2002.)

A peace officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer. A break in full-time law enforcement service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the peace officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

[2001 c 167 § 5.]

RCW 43.101.135 Termination of peace officer--Notification to commission. (Effective January 1, 2002.)

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under RCW 43.101.105. The commission shall maintain these notices in a permanent file, subject to RCW 43.101.400.

[2001 c 167 § 6.]

RCW 43.101.145 Written complaint by law enforcement or law enforcement agency to deny or revoke peace officer certification--Immunity of complainant. (Effective January 1, 2002.)

A law enforcement officer or duly authorized representative of a law enforcement agency may submit a written complaint to the commission charging that a peace officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does

not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

[2001 c 167 § 8.]

RCW 43.101.155 Denial or revocation of peace officer certification--Statement of charges--Notice--Hearing. (Effective January 1, 2002.)

(1) If the commission determines, upon investigation, that there is probable cause to believe that a peace officer's certification should be denied or revoked under RCW 43.101.105, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current law enforcement agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings board appointed under RCW 43.101.380. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty-day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

[2001 c 167 § 9.]

RCW 43.101.170 Training and education obtained at approved existing institutions.

In establishing standards for training and education, the commission may, so far as consistent with the purposes of *RCW 43.101.160, permit required training and education of any criminal justice personnel to be obtained at existing institutions approved for such training by the commission.

[1974 ex.s. c 94 § 17.]

Notes:

***Reviser's note:** RCW 43.101.160 was repealed by 1983 c 197 § 55, effective June 30, 1987.

RCW 43.101.180 Priorities.

The first priority of the commission shall be to provide for basic law enforcement training, corrections training, and education programs. In addition, the commission shall provide training programs for other criminal justice personnel.

[1981 c 136 § 27; 1974 ex.s. c 94 § 18.]

Notes:

Effective date--1981 c 136: See RCW 72.09.900.

**RCW 43.101.190 Receipt of grants, funds or gifts
authorized--Administration--Utilization of federal funds.**

The commission, or the executive director acting on its behalf, is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter.

The services provided by the state through the establishment and maintenance of the programs of the commission are primarily intended for the benefit of the criminal justice agencies of the counties, cities, and towns of this state. To the extent that funds available to the state under the Crime Control Act of 1973 are utilized by the commission, it is the determination of the legislature that, to the maximum extent permitted by federal law, such funds as are so utilized shall be charged against that portion of United States law enforcement assistance administration funds which the state is required to make available to units of local government pursuant to section 303(a)(2) of Part C of the Crime Control Act of 1973.

[1974 ex.s. c 94 § 19.]

**RCW 43.101.200 Law enforcement personnel--Basic law enforcement training
required--Commission to provide.**

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to

exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

[1997 c 351 § 13. Prior: 1993 sp.s. c 24 § 920; 1993 sp.s. c 21 § 5; 1989 c 299 § 2; 1977 ex.s. c 212 § 2.]

Notes:

Severability--1997 c 351: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 351 § 14.]

Effective date--1997 c 351: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 1997]." [1997 c 351 § 15.]

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

Effective dates--1993 sp.s. c 21: See note following RCW 82.14.310.

RCW 43.101.210 Criminal justice training costs--Assessments on bail forfeitures and certain penalties--Criminal justice training account created.

Notes:

Reviser's note: RCW 43.101.210 was amended by 1985 c 57 § 57 without reference to its repeal by 1984 c 258 § 339, effective July 1, 1985. It has been decodified for publication purposes pursuant to RCW 1.12.025.

RCW 43.101.220 Training for corrections personnel.

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission pursuant to *RCW 43.101.160. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The corrections personnel of the state and all counties and municipal corporations transferred or promoted to a supervisory or management position on or after January 1, 1982, shall engage in supervisory and/or management training which complies with standards adopted by the commission pursuant to *RCW 43.101.160. The training shall be successfully completed prior to or within the first six months of employment, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(3) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees.

(4) Nothing in this section shall affect or impair the employment status of any employee whose employer does not provide him with the opportunity to engage in the required training.

[1981 c 136 § 26.]

Notes:

***Reviser's note:** RCW 43.101.160 was repealed by 1983 c 197 § 55, effective June 30, 1987.

Effective date--1981 c 136: See RCW 72.09.900.

RCW 43.101.222 Training for students enrolled at institutions of higher education.

The commission may provide basic law enforcement training to students who are enrolled in criminal justice courses of study at four-year institutions of higher education, if the training is provided during the summers following the students' junior and senior years and so long as the students bear the full cost of the training.

[1996 c 203 § 3.]

Notes:

Effective date--1996 c 203: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1996]." [1996 c 203 § 4.]

RCW 43.101.224 Training for persons investigating child sexual abuse.

(1) On-going specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(2) The commission, the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement state-wide training that contains consistent elements for persons engaged in the interviewing of children for child sexual abuse cases, including law enforcement, prosecution, and child protective services.

(3) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

[1999 c 389 § 2.]

RCW 43.101.230 Training for Indian tribe officers and employees authorized--Conditions.

Indian tribe officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010, as now law or hereafter amended, may be provided training under this chapter if: (a) The tribe is recognized by the federal government, and (b) the tribe pays to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account.

[1981 c 134 § 1.]

RCW 43.101.240 Community-police partnership.

(1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region X) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing.

(2) Local law enforcement agencies are encouraged to form community-police partnerships in all neighborhoods and particularly areas with high rates of criminal activity. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

[1994 sp.s. c 7 § 311; 1989 c 271 § 423.]

NOTES:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

Captions not law--1989 c 271: See note following RCW 69.50.520.

Severability--1989 c 271: See note following RCW 9.94A.510.

RCW 43.101.250 Firearms certificate program for *private detectives.

The commission shall establish a program for issuing firearms certificates to *private detectives for the purposes of obtaining armed *private detective licenses. The commission shall adopt rules establishing the fees, training requirements, and procedures for obtaining and annually renewing firearms certificates. The fees charged by the commission shall recover the costs incurred by the commission in administering the firearms certificate program.

(1) Firearms training must be provided by an organization or trainer approved by the commission and must consist of at least eight hours of classes and proficiency training.

(2) Applications for firearms certificates shall be filed with the commission on a form provided by the commission. The commission may require any information and documentation that reasonably relates to the need to determine whether the applicant qualifies for a firearms certificate. Applicants must:

- (a) Be at least twenty-one years of age;
- (b) Possess a current *private detective license; and
- (c) Present a written request from the owner or qualifying agent of a licensed *private detective agency that the applicant be issued a firearms certificate.

(3) The commission shall consult with the private security industry and law enforcement

before adopting or amending the training requirements of this section.

(4) The commission may adopt rules that are reasonable and necessary for the effective implementation and administration of this section consistent with chapter 34.05 RCW.

[1991 c 328 § 28.]

Notes:

***Reviser's note:** "Private detective" redesignated "private investigator" by 1995 c 277.

Severability--1991 c 328: See RCW 18.165.900.

RCW 43.101.260 Firearms certificate program for security guards.

The commission shall establish a program for issuing firearms certificates to security guards for the purposes of obtaining armed security guard licenses. The commission shall adopt rules establishing the fees, training requirements, and procedures for obtaining and annually renewing firearms certificates. The fees charged by the commission shall recover the costs incurred by the commission in administering the firearms certificate program.

(1) Firearms training must be provided by an organization or trainer approved by the commission and must consist of at least eight hours of classes and proficiency training.

(2) Applications for firearms certificates shall be filed with the commission on a form provided by the commission. The commission may require any information and documentation that reasonably relates to the need to determine whether the applicant qualifies for a firearms certificate. Applicants must:

(a) Be at least twenty-one years of age;

(b) Possess a current private security guard license; and

(c) Present a written request from the owner or qualifying agent of a licensed private security company that the applicant be issued a firearms certificate.

(3) The commission shall consult with the private security industry and law enforcement before adopting or amending the training requirements of this section.

(4) The commission may adopt rules that are reasonable and necessary for the effective implementation and administration of this section consistent with chapter 34.05 RCW.

[1991 c 334 § 29.]

Notes:

Severability--1991 c 334: See RCW 18.170.900.

RCW 43.101.270 Sexual assault--Training for investigating and prosecuting.

(1) Each year the criminal justice training commission shall offer an intensive, integrated training session on investigating and prosecuting sexual assault cases. The training shall place particular emphasis on the development of professionalism and sensitivity towards the victim and the victim's family.

(2) The commission shall seek advice from the Washington association of prosecuting attorneys, the Washington defender association, the Washington association of sheriffs and

police chiefs, and the Washington coalition of sexual assault programs.

(3) The training shall be an integrated approach to sexual assault cases so that prosecutors, law enforcement, defenders, and victim advocates can all benefit from the training.

(4) The training shall be self-supporting through fees charged to the participants of the training.

[1991 c 267 § 2.]

Notes:

Findings--1991 c 267: "The safety of all children is enhanced when sexual assault cases are properly investigated and prosecuted. The victim of the sexual assault and the victim's family have a right to be treated with sensitivity and professionalism, which also increases the likelihood of their continued cooperation with the investigation and prosecution of the case. The legislature finds the sexual assault cases, particularly those involving victims who are children, are difficult to prosecute successfully. The cooperation of a victim and the victim's family through the investigation and prosecution of the sexual assault case is enhanced and the trauma associated with the investigation and prosecution is reduced when trained victim advocates assist the victim and the victim's family through the investigation and prosecution of the case. Trained victim advocates also assist law enforcement, prosecutors, and defense attorneys, by relieving some of the burden of explaining the investigation and prosecution process and possible delays to the victim and accompanying the victim during interviews by the police, prosecutor, and defense attorney, and accompanying the victim during hearings and the trial.

The legislature finds that counties should give priority to the successful prosecution of sexual assault cases, especially those that involve children, by ensuring that prosecutors, investigators, defense attorneys, and victim advocates are properly trained and available. Therefore, the legislature intends to establish a mechanism to provide the necessary training of prosecutors, law enforcement investigators, defense attorneys, and victim advocates and ensure the availability of victim advocates for victims of sexual assault and their families." [1991 c 267 § 1.]

Effective date--1991 c 267: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 267 § 7.]

RCW 43.101.280 Ethnic and cultural diversity--Development of curriculum for understanding--Training.

The criminal justice training commission shall develop, in consultation with the administrator for the courts and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be developed by October 1, 1993. The commission shall ensure that ethnic and diversity training becomes an integral part of the training of law enforcement personnel so as to incorporate cultural sensitivity and awareness into the daily activities of law enforcement personnel.

[1993 c 415 § 4.]

Notes:

Intent--1993 c 415: See note following RCW 2.56.031.

Ethnic and cultural diversity--Development of curriculum for understanding: RCW 2.56.030.

RCW 43.101.290 Training in crimes of malicious harassment.

The criminal justice training commission shall provide training for law enforcement

officers in identifying, responding to, and reporting all violations of RCW 9A.36.080 and any other crimes of bigotry or bias.

[1993 c 127 § 5.]

Notes:

Severability--1993 c 127: See note following RCW 9A.36.078.

RCW 43.101.300 Juvenile runaways--Policy manual.

The criminal justice training commission shall ensure that every law enforcement agency in the state has an accurate and up-to-date policy manual describing the statutes relating to juvenile runaways.

[1994 sp.s. c 7 § 509.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.101.310 Board on law enforcement training standards and education--Board on correctional training standards--Created--Purpose.

(1) Two separate training standards and education boards are created and established, to be known and designated as (a) the board on law enforcement training standards and education and (b) the board on correctional training standards and education.

(2) The purpose of the board on law enforcement training standards and education is to review and recommend to the commission programs and standards for the training and education of law enforcement personnel.

(3) The purpose of the board on correctional training standards and education is to review and recommend to the commission programs and standards for the training and education of correctional personnel.

[1997 c 351 § 2.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.315 Boards--Membership.

(1) The board on law enforcement training standards and education consists of thirteen members, appointed by the executive director and subject to approval by the commission. Members must be selected as follows: (a) Three must represent county law enforcement agencies, at least two of whom must be incumbent sheriffs; (b) three must represent city police agencies, at least two of whom must be incumbent police chiefs, one of whom shall be from a city under five thousand; (c) one must represent community colleges; (d) one must represent the four-year colleges and universities; (e) four must represent the council of police officers, two of

whom must be training officers; and (f) one must represent tribal law enforcement in Washington. The six officers under (a) and (b) of this subsection may be appointed by the executive director only after the Washington association of sheriffs and police chiefs provides the director with the names of qualified officers. The four officers under (e) of this subsection may be appointed by the executive director only after the council of police officers provides the director with the names of qualified officers.

(2) The board on correctional training standards and education consists of fourteen members, appointed by the executive director and subject to approval by the commission. Members must be selected as follows: (a) Three must be employed in the state correctional system; (b) three must be employed in county correctional systems; (c) two must be employed in juvenile corrections or probation, one at the local level and the other at the state level; (d) two must be employed in community corrections; (e) one must represent community colleges; (f) one must represent four-year colleges and universities; and (g) two must be additional persons with experience and interest in correctional training standards and education. At least one of the members appointed under (a) of this subsection and at least one of the members appointed under (b) of this subsection must be currently employed as front line correctional officers.

[1997 c 351 § 3.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.320 Boards--Terms of members.

All members of each of the training standards and education boards must be appointed for terms of six years, commencing on July 1st, and expiring on June 30th. However, of the members first appointed three will serve for terms of two years, four will serve for terms of four years, and four will serve for terms of six years. A member chosen to fill a vacancy that has been created other than by expiration of a term must be appointed for the unexpired term of the member to be succeeded. A member may be reappointed for additional terms.

[1997 c 351 § 4.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.325 Termination of membership upon termination of qualifying office or employment.

A member of either board appointed under RCW 43.101.315 as an incumbent official or because of employment status, ceases to be a member of the board immediately upon the termination of the holding of the qualifying office or employment.

[1997 c 351 § 5.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.330 Boards--Chairs--Quorum.

Each training standards and education board shall elect a chair and vice-chair from among its members. A simple majority of the members of a training standards and education board constitutes a quorum. The commission shall summon each of the training standards and education boards to its first meeting.

[1997 c 351 § 6.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.335 Boards--Travel expenses.

Members of the training standards and education boards may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

[1997 c 351 § 7.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.340 Boards--Powers--Report to commission.

The training standards and education boards have the following powers:

- (1) To meet at such times and places as they may deem proper;
- (2) To adopt bylaws for the conduct of their business as deemed necessary by each board;
- (3) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, or city government, and commissions affected by or concerned with the business of the commission;
- (4) To do any and all things necessary or convenient to enable them fully and adequately to perform their duties and to exercise the powers granted to them;
- (5) To advise the commission of the training and education needs of criminal justice personnel within their specific purview;
- (6) To recommend to the commission standards for the training and education of criminal justice personnel within their specific purview;
- (7) To recommend to the commission minimum curriculum standards for all training and education programs conducted for criminal justice personnel within their specific purview;
- (8) To recommend to the commission standards for instructors of training and education programs for criminal justice personnel within their specific purview;
- (9) To recommend to the commission alternative, innovative, and interdisciplinary training and education techniques for criminal justice personnel within their specific purview;
- (10) To review and recommend to the commission the approval of training and education

programs for criminal justice personnel within their specific purview;

(11) To monitor and evaluate training and education programs for criminal justice personnel with [within] their specific purview.

Each training standards and education board shall report to the commission at the end of each fiscal year on the effectiveness of training and education programs for criminal justice personnel within its specific purview.

[1997 c 351 § 8.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.345 Recommendations of boards--Review by commission.

For the purpose of raising the level of competence of criminal justice personnel, the commission shall review the recommendations of training standards and education boards made under RCW 43.101.340.

[1997 c 351 § 9.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.350 Core training requirements.

(1) All law enforcement personnel initially hired to, transferred to, or promoted to a supervisory or management position on or after January 1, 1999, shall, within the first six months of entry into the position, successfully complete the core training requirements prescribed by rule of the commission for the position, or obtain a waiver or extension of the core training requirements from the commission.

(2) Within one year after completion of the core training requirements of this section, all law enforcement personnel shall successfully complete all remaining requirements for career level certification prescribed by rule of the commission applicable to their position or rank, or obtain a waiver or extension of the career level training requirements from the commission.

(3) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for attendees who do not live within fifty miles of the training center. The training shall be delivered in the least disruptive manner to local law enforcement agencies, and will include but not be limited to regional on-site training, interactive training, and credit for training given by the home department.

(4) Nothing in this section affects or impairs the employment status of an employee whose employer does not provide the opportunity to engage in the required training.

[1997 c 351 § 10.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.360 Report to the legislature.

By January 1st of every odd-numbered year, the commission shall provide a written report to the legislature addressing the following items: (1) Status and satisfaction of service to its clients; (2) detailed analysis of how it will maintain and update adequate state-of-the-art training models and their delivery in the most cost-effective and efficient manner; and (3) fiscal data projecting its current and future funding requirements.

[1997 c 351 § 11.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.370 Child abuse and neglect--Intensive training.

Each year the criminal justice training commission shall offer an intensive training session on investigation of child abuse and neglect. The training shall focus on the investigative duties of law enforcement established under chapter 26.44 RCW with particular emphasis placed on child interview techniques to increase the accuracy of statements taken from children and decrease the need for additional interviews.

[1997 c 351 § 12.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.380 Hearings--Standard of proof--Appeals--Judicial review. (*Effective January 1, 2002.*)

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) On all appeals brought under RCW 43.101.155, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission or the board on law enforcement training standards and education may but need not be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from decertification actions:

(a) When an appeal is filed in relation to decertification of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two peace officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When an appeal is filed in relation to decertification of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) Persons appointed to hearings panels by the commission shall, in relation to any decertification matter on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(4), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(3), the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under RCW 43.101.105 (1), (2), (5), or (6), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

[2001 c 167 § 10.]

RCW 43.101.390 Immunity of commission and boards. (Effective January 1, 2002.)

The commission, its boards, and individuals acting on behalf of the commission and its boards are immune from suit in any civil or criminal action contesting or based upon proceedings

or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

[2001 c 167 § 11.]

RCW 43.101.400 Confidentiality of records. (Effective January 1, 2002.)

(1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135; (b) all files, papers, and other information obtained by the commission pursuant to RCW 43.101.095(3); and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

[2001 c 167 § 12.]

RCW 43.101.900 Severability--1974 ex.s. c 94.

If any provision of this chapter, or its application to any person or circumstance is held

invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1974 ex.s. c 94 § 20.]

RCW 43.101.901 Transfer of conference center.

The legislature authorizes the department of general administration to transfer the Washington state training and conference center located at 19010 First Avenue, Burien, Washington, 98148, to the criminal justice training commission.

[2001 c 166 § 2.]

RCW 43.101.902 Effective date--2001 c 167.

This act takes effect January 1, 2002.

[2001 c 167 § 14.]

Chapter 43.103 RCW
WASHINGTON STATE FORENSIC INVESTIGATIONS COUNCIL

Sections

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| 43.103.070 | Chair--Quorum--Meetings. |
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NOTES:

Jury source list--Master jury list--Creation--Adoption of rules for implementation of methodology and standards by agencies: RCW 2.36.054 and 2.36.0571.

RCW 43.103.010 Purposes.

The purposes of chapter 16, Laws of 1983 1st ex. sess. are declared by the legislature to be as follows:

- (1) To preserve and enhance the state crime laboratory and state toxicology laboratory, which are essential parts of the criminal justice and death investigation systems in the state of Washington;
- (2) To fund the death investigation system and to make related state and local institutions more efficient;

(3) To provide resources necessary for the performance, by qualified pathologists, of autopsies which are also essential to the criminal justice and death investigation systems of this state and its counties;

(4) To improve the performance of death investigations and the criminal justice system through the formal training of county coroners and county medical examiners;

(5) To establish and maintain a dental identification system; and

(6) To provide flexibility so that any county may establish a county morgue when it serves the public interest.

[1999 c 40 § 2; 1995 c 398 § 2; 1983 1st ex.s. c 16 § 1.]

Notes:

Effective date--1999 c 40: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999." [1999 c 40 § 9.]

RCW 43.103.020 Definitions.

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the Washington state forensic investigations council.

(2) "Crime laboratory" means the Washington state patrol crime laboratory system created in RCW 43.43.670 and under the bureau of forensic laboratory services of the Washington state patrol.

(3) "State toxicology laboratory" means the Washington state toxicology laboratory and under the bureau of forensic laboratory services of the Washington state patrol.

[1999 c 40 § 3; 1995 c 398 § 3; 1983 1st ex.s. c 16 § 2.]

Notes:

Effective date--1999 c 40: See note following RCW 43.103.010.

RCW 43.103.030 Council created--Powers and duties.

There is created the Washington state forensic investigations council. The council shall oversee the bureau of forensic laboratory services and, in consultation with the chief of the Washington state patrol or the chief's designee, control the operation and establish policies of the bureau of forensic laboratory services. The council may also study and recommend cost-efficient improvements to the death investigation system in Washington and report its findings to the legislature.

Further, the council shall, jointly with the chairperson of the pathology department of the University of Washington's School of Medicine, or the chairperson's designee, oversee the state forensic pathology fellowship program, determine the budget for the program and set the fellow's annual salary, and take those steps necessary to administer the program.

The forensic investigations council shall be actively involved in the preparation of the bureau of forensic laboratory services budget and shall approve the bureau of forensic laboratory services budget prior to its formal submission to the office of financial management pursuant to

RCW 43.88.030.

[1999 c 40 § 4; 1995 c 398 § 4; 1991 c 176 § 2; 1983 1st ex.s. c 16 § 3.]

Notes:

Effective date--1999 c 40: See note following RCW 43.103.010.
Forensic pathology fellowship program: RCW 28B.20.426.

RCW 43.103.040 Membership of council--Appointment.

The council shall consist of twelve members who shall be selected as follows: One county coroner; one county prosecutor; one county prosecutor who also serves as ex officio county coroner; one county medical examiner; one county sheriff; one chief of police; the chief of the state patrol; two members of a county legislative authority; one pathologist who is currently in private practice; and two members of a city legislative authority.

The governor shall appoint members to the council from among the nominees submitted for each position as follows: The Washington association of county officials shall submit two nominees each for the coroner position and the medical examiner position; the Washington state association of counties shall submit two nominees each for the two county legislative authority positions; the association of Washington cities shall submit two nominees each for the two city legislative authority positions; the Washington association of prosecuting attorneys shall submit two nominees each for the county prosecutor-ex officio county coroner and for the county prosecutor position; the Washington association of sheriffs and police chiefs shall submit two nominees each for the county sheriff position and the chief of police position; and the Washington association of pathologists shall submit two nominees for the private pathologist position.

[1995 c 398 § 5; 1983 1st ex.s. c 16 § 4.]

RCW 43.103.050 Terms of members--Vacancies.

All members of the council are appointed for terms of four years, commencing on July 1 and expiring on June 30. However, of the members appointed to the council, five shall be appointed for two-year terms and six shall be appointed for four-year terms. A person chosen to fill a vacancy created other than by the natural expiration of a member's term shall be nominated and appointed as provided in RCW 43.103.040 for the unexpired term of the member he or she is to succeed. Any member may be reappointed for additional terms.

[1995 c 398 § 6; 1983 1st ex.s. c 16 § 5.]

RCW 43.103.060 Qualification for continued membership.

Any member of the council shall immediately cease to be a member if he or she ceases to hold the particular office or employment which was the basis of his or her appointment under RCW 43.103.040.

[1983 1st ex.s. c 16 § 6.]

RCW 43.103.070 Chair--Quorum--Meetings.

The council shall elect a chair and a vice chair from among its members. The chair shall not vote except in case of a tie vote. Seven members of the council shall constitute a quorum. The governor shall summon the council to its first meeting. Otherwise, meetings may be called by the chair and shall be called by him or her upon the written request of five members of the council. Conference calls by telephone are a proper form of meeting.

[1995 c 398 § 7; 1983 1st ex.s. c 16 § 7.]

RCW 43.103.080 Travel expenses.

(1) Members of the council shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(2) Attendance at meetings of the council shall constitute performance by a council member of the duties of his or her employment or office.

[1983 1st ex.s. c 16 § 8.]

RCW 43.103.090 Powers.

(1) The council may:

(a) Meet at such times and places as may be designated by a majority vote of the council members or, if a majority cannot agree, by the chair;

(b) Adopt rules governing the council and the conduct of its meetings;

(c) Require reports from the chief of the Washington state patrol on matters pertaining to the bureau of forensic laboratory services;

(d) Authorize the expenditure of up to two hundred fifty thousand dollars per biennium from the council's death investigations account appropriation for the purpose of assisting local jurisdictions in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions. The council shall adopt rules consistent with this subsection for the purposes of authorizing expenditure of the funds;

(e) Do anything, necessary or convenient, which enables the council to perform its duties and to exercise its powers; and

(f) Be actively involved in the preparation of the bureau of forensic laboratory services budget and approve the bureau of forensic laboratory services budget prior to formal submission to the office of financial management pursuant to RCW 43.88.030.

(2) The council shall:

(a) Prescribe qualifications for the position of director of the bureau of forensic laboratory services, after consulting with the chief of the Washington state patrol. The council shall submit to the chief of the Washington state patrol a list containing the names of up to three

persons who the council believes meet its qualifications to serve as director of the bureau of forensic laboratory services. Minimum qualifications for the director of the bureau of forensic laboratory services must include successful completion of a background investigation and polygraph examination. If requested by the chief of the Washington state patrol, the forensic investigations council shall submit one additional list of up to three persons who the forensic investigations council believes meet its qualifications. The appointment must be from one of the lists of persons submitted by the forensic investigations council, and the director of the bureau of forensic laboratory services shall report to the office of the chief of the Washington state patrol;

(b) After consulting with the chief of the Washington state patrol and the director of the bureau of forensic laboratory services, the council shall appoint a toxicologist as state toxicologist, who shall report to the director of the bureau of forensic laboratory services. The appointee shall meet the minimum standards for employment with the Washington state patrol including successful completion of a background investigation and polygraph examination;

(c) Establish, after consulting with the chief of the Washington state patrol, the policies, objectives, and priorities of the bureau of forensic laboratory services, to be implemented and administered within constraints established by budgeted resources by the director of the bureau of forensic laboratory services;

(d) Set the salary for the director of the bureau of forensic laboratory services; and

(e) Set the salary for the state toxicologist.

[1999 c 142 § 1; 1999 c 40 § 5; 1995 c 398 § 8; 1983 1st ex.s. c 16 § 9.]

Notes:

Reviser's note: This section was amended by 1999 c 40 § 5 and by 1999 c 142 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 40: See note following RCW 43.103.010.

RCW 43.103.100 Sudden infant death syndrome--Training--Protocols.

(1) The council shall research and develop an appropriate training component on the subject of sudden, unexplained child death, including but not limited to sudden infant death syndrome. The training component shall include, at a minimum:

(a) Medical information on sudden, unexplained child death for first responders, including awareness and sensitivity in dealing with families and child care providers, and the importance of forensically competent death scene investigation;

(b) Information on community resources and support groups available to assist families who have lost a child to sudden, unexplained death, including sudden infant death syndrome; and

(c) The value of timely communication between the county coroner or medical examiner and the public health department, when a sudden, unexplained child death occurs, in order to achieve a better understanding of such deaths, and connecting families to various community and public health support systems to enhance recovery from grief.

(2) The council shall work with volunteer groups with expertise in the area of sudden, unexplained child death, including but not limited to the SIDS foundation of Washington and the Washington association of county officials.

(3) Basic training for death investigators offered by the Washington association of coroners and medical examiners and the criminal justice training commission shall include a module which specifically addresses the investigations of the sudden unexplained deaths of children under the age of three. The training module shall include a scene investigation protocol endorsed or developed by the council. A similar training curriculum shall be required for city and county law enforcement officers and emergency medical personnel certified by the department of health as part of their basic training through the criminal justice training commission or the department of health emergency medical training certification program.

(4) Each county shall use a protocol that has been endorsed or developed by the council for scene investigations of the sudden unexplained deaths of children under the age of three. The council may utilize guidelines from the center for disease control and other appropriate resources.

(5) The council shall develop a protocol for autopsies of children under the age of three whose deaths are sudden and unexplained. This protocol shall be used by pathologists who are not certified by the American board of pathology in forensic pathology, and who are providing autopsy services to coroners and medical examiners.

[2001 c 82 § 1; 1991 c 176 § 6.]

NOTES:

Finding--Declaration--1991 c 176: "The legislature finds and declares that sudden and unexplained child deaths are a leading cause of death for children under age three. The public interest is served by research and study of the potential causes and indications of such unexplained child deaths and the prevention of inaccurate and inappropriate designation of sudden infant death syndrome (SIDS) as a cause of death. The legislature further finds and declares that law enforcement officers, fire fighters, emergency medical technicians, and other first responders in emergency situations are not adequately informed regarding sudden, unexplained death in young children including but not limited to sudden infant death syndrome, its signs and typical history, and as a result may compound the family and child care provider's grief through conveyed suspicions of a criminal act. Coroners, investigators, and prosecuting attorneys are also in need of updated training on the identification of unexplained death in children under the age of three, including but not limited to sudden infant death syndrome awareness and sensitivity and the establishment of a state-wide uniform protocol in cases of sudden, unexplained child death."
[1991 c 176 § 5.]

RCW 43.103.900 Severability--1983 1st ex.s. c 16.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 1st ex.s. c 16 § 23.]

RCW 43.103.901 Effective date--1983 1st ex.s. c 16.

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.

[1983 1st ex.s. c 16 § 24.]

Chapter 43.105 RCW
DEPARTMENT OF INFORMATION SERVICES
(Formerly: Data processing and communications systems)

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RCW 43.105.005 Purpose.

It is a purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems, telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared voice, data, and video telecommunications services, local area networks, departmental minicomputers, and microcomputers.

[1990 c 208 § 1; 1987 c 504 § 1.]

RCW 43.105.017 Legislative intent.

It is the intent of the legislature that:

- (1) State government use voice, data, and video telecommunications technologies to:
 - (a) Transmit and increase access to live, interactive classroom instruction and training;
 - (b) Provide for interactive public affairs presentations, including a public forum for state and local issues;
 - (c) Facilitate communications and exchange of information among state and local elected officials and the general public;
 - (d) Enhance state-wide communications within state agencies; and
 - (e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;
- (2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;
- (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency head;
- (4) Resources be used in the most efficient manner and services be shared when cost-effective;
- (5) A structure be created to:
 - (a) Plan and manage telecommunications and computing networks;
 - (b) Increase agencies' awareness of information sharing opportunities; and
 - (c) Assist agencies in implementing such possibilities;
- (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;
- (7) To the greatest extent possible, major information technology projects be

implemented on an incremental basis;

(8) The state maximize opportunities to exchange and share data and information by moving toward implementation of open system architecture based upon interface standards providing for application and data portability and interoperability;

(9) To the greatest extent possible, the state recognize any price performance advantages which may be available in midrange and personal computing architecture;

(10) The state improve recruitment, retention, and training of professional staff;

(11) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

(12) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

[1992 c 20 § 6; (1995 2nd sp.s. c 14 § 511 expired June 30, 1997); 1990 c 208 § 2; 1987 c 504 § 2.]

Notes:

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: "Sections 511 through 523 and 528 through 533 of this act expire June 30, 1997." [1995 2nd sp.s. c 14 § 536.]

Effective dates--1995 2nd sp.s. c 14: "(1) Except for sections 514 through 524 and 539 through 556 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(2) Sections 514 through 524 of this act shall take effect January 1, 1996." [1995 2nd sp.s. c 14 § 562.]

Severability--1995 2nd sp.s. c 14: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 2nd sp.s. c 14 § 561.]

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.020 Definitions.

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed

communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology investments;

(12) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources;

(13) "Proprietary software" means that software offered for sale or license;

(14) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(15) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(16) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(17) "K-20 network" means the network established in RCW 43.105.820;

(18) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

[1999 c 285 § 1; 1999 c 80 § 1; 1993 c 280 § 78; 1990 c 208 § 3; 1987 c 504 § 3; 1973 1st ex.s. c 219 § 3; 1967 ex.s. c 115 § 2.]

Notes:

Reviser's note: This section was amended by 1999 c 80 § 1 and by 1999 c 285 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective date--1967 ex.s. c 115: "This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1967." [1967 ex.s. c 115 § 8.]

RCW 43.105.032 Information services

board--Members--Chairperson--Vacancies--Quorum--Compensation and travel expenses.

There is hereby created the Washington state information services board. The board shall be composed of fifteen members. Eight members shall be appointed by the governor, one of whom shall be a representative of higher education, one of whom shall be a representative of an agency under a state-wide elected official other than the governor, and two of whom shall be representatives of the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall be the superintendent of public instruction or shall be appointed by the superintendent of public instruction. Two members shall represent the house of representatives and shall be selected by the speaker of the house of representatives with one representative chosen from each caucus of the house of representatives; two members shall represent the senate and shall be appointed by the president of the senate with one representative chosen from each caucus of the senate. One member shall be the director who shall be a voting member of the board. These members shall constitute the membership of the board with full voting rights. Members of the board shall serve at the pleasure of the appointing authority. The board shall select a chairperson from among its members.

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

[1999 c 241 § 2; 1996 c 137 § 10; 1992 c 20 § 8; 1987 c 504 § 4; 1984 c 287 § 86; 1975-'76 2nd ex.s. c 34 § 128; 1973 1st ex.s. c 219 § 5.]

Notes:

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Development of health care data standards: RCW 43.70.054.

RCW 43.105.041 Powers and duties of board.

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from

acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop state-wide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(i) To review and approve that portion of the department's budget requests that provides for support to the board.

(2) State-wide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network

technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

[1999 c 285 § 5. Prior: 1996 c 171 § 8; 1996 c 137 § 12; (1996 c 171 § 7, 1996 c 137 § 11, and 1995 2nd sp.s. c 14 § 512 expired June 30, 1997); 1990 c 208 § 6; 1987 c 504 § 5; 1983 c 3 § 115; 1973 1st ex.s. c 219 § 6.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

Expiration date--1996 c 171 § 7: "Section 7 of this act expires June 30, 1997." [1996 c 171 § 20.]

Effective date--1996 c 137 § 12: "Section 12 of this act shall take effect June 30, 1997." [1996 c 137 § 18.]

Expiration date--1996 c 137 § 11: "Section 11 of this act expires June 30, 1997." [1996 c 137 § 17.]

Application--1996 c 137: See note following RCW 43.105.830.

RCW 43.105.047 Department created--Appointment of director--Director's duties.

There is created the department of information services. The department shall be headed by a director appointed by the governor with the consent of the senate. The director shall serve at the governor's pleasure and shall receive such salary as determined by the governor. The director shall:

(1) Appoint a confidential secretary and such deputy and assistant directors as needed to administer the department;

(2) Maintain and fund a strategic planning and policy component separate from the services component of the department;

(3) Appoint, after consulting with the board, the assistant or deputy director for the planning component;

(4) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter;

(5) Report to the governor and the board any matters relating to abuses and evasions of this chapter; and

(6) Recommend statutory changes to the governor and the board.

[1999 c 80 § 5; 1992 c 20 § 9; 1987 c 504 § 6.]

Notes:

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

Civil service exemptions: RCW 41.06.094.

RCW 43.105.052 Powers and duties of department.

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

- (a) The review of agency information technology portfolios and related requests; and
- (b) Implementation of state-wide and interagency policies, standards, and guidelines;
- (2) Make available information services to state agencies and local governments and public benefit nonprofit corporations on a full cost-recovery basis. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state. These services may include, but are not limited to:
 - (a) Telecommunications services for voice, data, and video;
 - (b) Mainframe computing services;
 - (c) Support for departmental and microcomputer evaluation, installation, and use;
 - (d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;
 - (e) Facilities management services for information technology equipment, equipment repair, and maintenance service;
 - (f) Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;
 - (g) Office automation services;
 - (h) System development services; and
 - (i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer advisory board. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer advisory board. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the strategic planning and policy component;

(4) With the advice of the information services board and agencies, develop a state strategic information technology plan and performance reports as required under RCW 43.105.160;

(5) Develop plans for the department's achievement of state-wide goals and objectives set forth in the state strategic information technology plan required under RCW 43.105.160. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of the customer advisory board and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, information technology portfolios, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the strategic planning and policy component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

[2000 c 180 § 1; 1999 c 80 § 6; 1993 c 281 § 53; 1992 c 20 § 10; 1990 c 208 § 7; 1987 c 504 § 8.]

Notes:

Effective date--1993 c 281: See note following RCW 41.06.022.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.055 Advisory committees--Customer advisory board.

(1) The director shall appoint advisory committees to assist the department. Advisory committees shall include, but are not limited to, the customer advisory board.

(2) The customer advisory board shall provide the department with advice concerning the type, quality, and cost of the department's services. The customer advisory board and its membership shall be determined by the director to assure that all services are subject to advice

from a representative selection of customers. At least annually, these committees shall meet to recommend, review, and comment on the service goals and objectives of the department and the budgets for operations of those services and the rates to be charged for those services. The advisory board may call upon the board to resolve disputes between agencies and the department which may arise with regard to service offerings, budgets, or rates.

(3) The customer advisory board may be convened by a majority of its members, by its chair, or by the director.

[1999 c 80 § 7; 1987 c 504 § 9.]

RCW 43.105.057 Rule-making authority.

The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of this chapter.

[1992 c 20 § 11; 1990 c 208 § 13.]

Notes:

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.060 Contracts by state and local agencies with department.

State and local government agencies are authorized to enter into any contracts with the department or its successor which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services which are the subject of this chapter.

[1987 c 504 § 10; 1973 1st ex.s. c 219 § 9; 1967 ex.s. c 115 § 6.]

Notes:

Effective date--1967 ex.s. c 115: See note following RCW 43.105.020.

RCW 43.105.070 Confidential or privileged information.

This chapter shall in no way affect or impair any confidence or privilege imposed by law. Confidential or privileged information shall not be subject to submittal to the common data bank: PROVIDED, That where statistical information can be derived from such classified material without violating any such confidence, the submittal of such statistical material may be required.

[1969 ex.s. c 212 § 4.]

RCW 43.105.080 Data processing revolving fund--Created--Use.

There is created a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services,

telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the department, Washington State University's computer services center, the department of personnel's personnel information systems division, the office of financial management's financial systems management group, and other users as jointly determined by the department and the office of financial management. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

[1999 c 80 § 8; 1992 c 235 § 6; 1987 c 504 § 11; 1983 c 3 § 116; 1974 ex.s. c 129 § 1.]

RCW 43.105.095 Management and oversight structure.

(1) Under the direction of the board, the department shall develop policies and procedures to implement a management and oversight structure based on the use of information technology portfolios.

(2) These policies and procedures shall support and conform to:

(a) The state strategic information technology plan developed under RCW 43.105.160(1) and *43.105.172; and

(b) Technology standards established by the board.

[1999 c 80 § 3.]

Notes:

***Reviser's note:** The reference to RCW 43.105.172 appears to be erroneous because it concerns information technology portfolios.

RCW 43.105.105 Information technology decisions and plans.

An agency information technology portfolio shall serve as the basis for making information technology decisions and plans including:

(1) System refurbishment, acquisitions, and development efforts;

(2) Setting goals and objectives for using information technology;

(3) Assessments of information processing performance, resources, and capabilities;

(4) Ensuring the appropriate transfer of technological expertise for the operation of new systems developed using external resources; and

(5) Progress toward providing electronic access to public information.

[1999 c 80 § 4.]

RCW 43.105.160 Strategic information technology plan--Biennial state performance report on information technology.

(1) The department shall prepare a state strategic information technology plan which shall establish a state-wide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records, information, and services. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor, the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives, and, during the legislative session, to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the approved plan must be submitted to the legislative transportation committee, instead of the standing transportation committees.

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under RCW 43.105.170 and other information deemed appropriate by the department. The report shall include, but not be limited to:

- (a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;
- (b) An evaluation of performance relating to information technology;
- (c) An assessment of progress made toward implementing the state strategic information technology plan, including progress toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services;
- (d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under RCW 43.105.190;
- (e) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under RCW 43.105.190; and
- (f) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor, the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives, and, during the legislative session, the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the report must be submitted to the legislative transportation committee, instead of the standing transportation committees.

[1999 c 80 § 9; 1998 c 177 § 3; 1996 c 171 § 9; 1992 c 20 § 1.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

Severability--1992 c 20: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 20 § 14.]

Captions not law--1992 c 20: "Captions used in this act do not constitute any part of the law." [1992 c 20 § 16.]

RCW 43.105.170 Information technology portfolios--Contents--Performance reports.

(1) Each agency shall develop an information technology portfolio consistent with *RCW 43.105.095. The superintendent of public instruction shall develop its portfolio in conjunction with educational service districts and state-wide or regional providers of K-12 education information technology services.

(2) Agency portfolios shall include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan developed under RCW 43.105.160;

(d) An implementation strategy to provide electronic access to public records and information. This implementation strategy must be assembled to include:

(i) Compliance with Title 40 RCW;

(ii) Adequate public notice and opportunity for comment;

(iii) Consideration of a variety of electronic technologies, including those that help transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(iv) Methods to educate both state employees and the public in the effective use of access technologies;

(e) Projects and resources required to meet the objectives of the portfolio; and

(f) Where feasible, estimated schedules and funding required to implement identified projects.

(3) Portfolios developed under subsection (1) of this section shall be submitted to the department for review and forwarded along with the department's recommendations to the board for review and approval. The board may reject, require modification to, or approve portfolios as deemed appropriate by the board. Portfolios submitted under this subsection shall be updated and submitted for review and approval as necessary.

(4) Each agency shall prepare and submit to the department a biennial performance report that evaluates progress toward the objectives articulated in its information technology portfolio. The superintendent of public instruction shall develop its portfolio in conjunction with educational service districts and state-wide or regional providers of K-12 education information technology services. The report shall include:

(a) An evaluation of the agency's performance relating to information technology;

(b) An assessment of progress made toward implementing the agency information

technology portfolio;

(c) Progress toward electronic access to public information and enabling citizens to have two-way interaction for obtaining information and services from agencies; and

(d) An inventory of agency information services, equipment, and proprietary software.

(5) The department, with the approval of the board, shall establish standards, elements, form, and format for plans and reports developed under this section.

(6) Agency activities to increase electronic access to public records and information, as required by this section, must be implemented within available resources and existing agency planning processes.

(7) The board may exempt any agency from any or all of the requirements of this section.

[1999 c 80 § 10. Prior: 1996 c 171 § 10; 1996 c 137 § 13; 1992 c 20 § 2.]

Notes:

***Reviser's note:** The reference to RCW 43.105.095 appears to be erroneous. RCW 43.105.172 was apparently intended.

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.172 Information technology portfolios.

Information technology portfolios shall reflect (1) links among an agency's objectives, business plan, and technology; (2) analysis of the effect of an agency's proposed new technology investments on its existing infrastructure and business functions; and (3) analysis of the effect of proposed information technology investments on the state's information technology infrastructure.

[1999 c 80 § 2.]

RCW 43.105.180 Budget request to be evaluated for information technology projects.

Upon request of the office of financial management, the department shall evaluate agency budget requests for major information technology projects identified under RCW 43.105.190, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or state-wide or regional providers of K-12 education information technology services. The department shall submit recommendations for funding all or part of such requests to the office of financial management.

The department, with the advice and approval of the office of financial management, shall establish criteria, consistent with portfolio-based information technology management, for the evaluation of agency budget requests under this section. These budget requests shall be made in the context of an agency's information technology portfolio; technology initiatives underlying budget requests are subject to board review. Criteria shall include, but not be limited to: Feasibility of the proposed projects, consistency with the state strategic information technology plan, consistency with information technology portfolios, appropriate provision for public

electronic access to information and services, costs, and benefits.

[1999 c 80 § 11. Prior: 1996 c 171 § 11; 1996 c 137 § 14; 1992 c 20 § 3.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.190 Major information technology projects standards and policies--Project evaluation and reporting.

(1) The department, with the approval of the board, shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or state-wide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or state-wide significance of the project; and

(b) Establish a model process and procedures which agencies shall follow in developing and implementing projects within their information technology portfolios. Agencies may propose, for approval by the department, a process and procedures unique to the agency. The department may accept or require modification of such agency proposals or the department may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the board.

The director may terminate a major project if the director determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards consistent with portfolio-based information technology management to govern the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the department, that the previous phase is satisfactorily completed;

(b) Acceptance testing of products to assure that products perform satisfactorily before they are accepted and final payment is made; and

(c) Other elements deemed necessary by the office of financial management.

(3) The department shall evaluate projects based on the demonstrated business needs and

benefits; cost; technology scope and feasibility; impact on the agency's information technology portfolio and on the state-wide infrastructure; and final project implementation plan based upon available funding.

Copies of project evaluations conducted under this subsection shall be submitted to the office of financial management and the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives.

If there are projects that receive funding from a transportation fund or account, copies of those projects' evaluations conducted under this subsection must be submitted, during the legislative session, to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the project evaluations must be submitted to the legislative transportation committee.

[1999 c 80 § 12; 1998 c 177 § 4; 1996 c 137 § 15; 1992 c 20 § 4.]

Notes:

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.200 Application to institutions of higher education.

In the case of institutions of higher education, the provisions of chapter 20, Laws of 1992, apply to business and administrative applications but do not apply to academic and research applications.

[1992 c 20 § 5.]

Notes:

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.210 Data processing expenditures--Authorization--Penalties.

No state agency may expend any moneys for major information technology projects subject to review by the department of information services under RCW 43.105.190 unless specifically authorized by the legislature. An intentional or negligent violation of this section constitutes a violation of RCW 43.88.290 and shall subject the head of the agency to forfeiture of office and other civil penalties as provided under RCW 43.88.300.

If the director of information services intentionally or negligently approved an expenditure in violation of this section, then all sanctions described in this section and RCW 43.88.300 shall also apply to the director of information services.

[1993 sp.s. c 1 § 903.]

Notes:

Severability--1993 sp.s. c 1: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 sp.s. c 1 § 904.]

Effective date--1993 sp.s. c 1: "This act is necessary for the immediate preservation of the public peace,

health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 18, 1993]." [1993 sp.s. c 1 § 905.]

RCW 43.105.250 Electronic access to public records--Findings--Intent.

Based upon the recommendations of the public information access policy task force, the legislature finds that government records and information are a vital resource to both government operations and to the public that government serves. Broad public access to state and local government records and information has potential for expanding citizen access to that information and for improving government services. Electronic methods for locating and transferring information can improve linkages between and among citizens, organizations, businesses, and governments. Information must be managed with great care to meet the objectives of citizens and their governments.

It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. Further, it is the intent of the legislature for state and local governments to set priorities for making public records widely available electronically to the public.

[1996 c 171 § 1.]

Notes:

Captions not law--1996 c 171: "Section captions used in this act do not constitute any part of the law."

[1996 c 171 § 16.]

Effective dates--1996 c 171: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 28, 1996], except for section 8 of this act, which takes effect June 30, 1997." [1996 c 171 § 19.]

RCW 43.105.260 Electronic access to public records--Definitions.

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Local government" means every county, city, town, and every other municipal or quasi-municipal corporation.

(2) "Public record" means as defined in RCW 42.17.020 and chapter 40.14 RCW, and includes legislative records and court records that are available for public inspection.

(3) "State agency" includes every state office, department, division, bureau, board, and commission of the state, and each state elected official who is a member of the executive department.

[1996 c 171 § 2.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.270 Electronic access to public records--Planning.

Within existing resources, state agencies shall plan for and implement processes for making information available electronically. Public demand and agencies' missions and goals

shall drive the selection and priorities for government information to be made available electronically. When planning for increased public electronic access, agencies should determine what information the public wants and needs most. Widespread public electronic access does not mean that all government information is able to be made available electronically.

(1) In planning for and implementing electronic access, state agencies shall:

(a) Where appropriate, plan for electronic public access and two-way electronic interaction when acquiring, redesigning, or rebuilding information systems;

(b) Focus on providing electronic access to current information, leaving archival material to be made available digitally as resources allow or as a need arises;

(c) Coordinate technology planning across agency boundaries in order to facilitate electronic access to vital public information;

(d) Develop processes to determine which information the public most wants and needs;

(e) Develop and employ methods to readily withhold or mask nondisclosable data.

(2) In planning or implementing electronic access and two-way electronic interaction and delivery technologies, state agencies and local governments are encouraged to:

(a) Increase their capabilities to receive information electronically from the public and to transmit forms, applications, and other communications and transactions electronically;

(b) Use technologies allowing public access throughout the state that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without extensive technological ability; and

(c) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities. In planning and implementing new public electronic access projects, agencies should consult with people who have disabilities, with disability access experts, and the general public.

(3) The final report of the public information access policy task force, "Encouraging Widespread Public Electronic Access to Public Records and Information Held by State and Local Governments," shall serve as a major resource for state agencies and local governments in planning and providing increased access to electronic public records and information.

[1996 c 171 § 5.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.280 Electronic access to public records--Costs and fees.

Funding to meet the costs of providing access, including the building of the necessary information systems, the digitizing of information, developing the ability to mask nondisclosable information, and maintenance and upgrade of information access systems should come primarily from state and local appropriations, federal dollars, grants, private funds, cooperative ventures among governments, nonexclusive licensing, and public/private partnerships. Agencies should not offer customized electronic access services as the primary way of responding to requests or as a primary source of revenue. Fees for staff time to respond to requests, and other direct costs

may be included in costs of providing customized access.

Agencies and local governments are encouraged to pool resources and to form cooperative ventures to provide electronic access to government records and information. State agencies are encouraged to seek federal and private grants for projects that provide increased efficiency and improve government delivery of information and services.

[1996 c 171 § 12.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.290 Electronic access to public records--Government information locator service pilot project.

The state library, with the assistance of the department of information services and the state archives, shall establish a pilot project to design and test an electronic information locator system, allowing members of the public to locate and access electronic public records. In designing the system, the following factors shall be considered: (1) Ease of operation by citizens; (2) access through multiple technologies, such as direct dial and toll-free numbers, kiosks, and the internet; (3) compatibility with private on-line services; and (4) capability of expanding the electronic public records included in the system. The pilot project may restrict the type and quality of electronic public records that are included in the system to test the feasibility of making electronic public records and information widely available to the public.

[1996 c 171 § 13.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.300 Education in use of technology encouraged.

State agencies and local governments are encouraged to provide education for their employees in the use and implementation of electronic technologies. State agencies are encouraged to make maximum use of the provisions of RCW 28B.15.558, and training offered by the state department of personnel, to maximize employee education in the creation, design, maintenance, and use of electronic information systems and improved customer service delivery.

[1996 c 171 § 14.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.310 Accuracy, integrity, and privacy of records and information.

State agencies and local governments that collect and enter information concerning individuals into electronic records and information systems that will be widely accessible by the

public under RCW 42.17.020 shall ensure the accuracy of this information to the extent possible. To the extent possible, information must be collected directly from, and with the consent of, the individual who is the subject of the data. Agencies shall establish procedures for correcting inaccurate information, including establishing mechanisms for individuals to review information about themselves and recommend changes in information they believe to be inaccurate. The inclusion of personal information in electronic public records that is widely available to the public should include information on the date when the data base was created or most recently updated. If personally identifiable information is included in electronic public records that are made widely available to the public, agencies must follow retention and archival schedules in accordance with chapter 40.14 RCW, retaining personally identifiable information only as long as needed to carry out the purpose for which it was collected.

[1996 c 171 § 15.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.320 Departmental authority as certification authority for electronic authentication.

The department of information services may become a licensed certification authority, under chapter 19.34 RCW, for the purpose of providing services to agencies, local governments, and other entities and persons for purposes of official state business. The department is not subject to RCW 19.34.100(1)(a). The department shall only issue certificates, as defined in RCW 19.34.020, in which the subscriber is:

- (1) The state of Washington or a department, office, or agency of the state;
- (2) A city, county, district, or other municipal corporation, or a department, office, or agency of the city, county, district, or municipal corporation;
- (3) An agent or employee of an entity described by subsection (1) or (2) of this section, for purposes of official public business;
- (4) Any other person or entity engaged in matters of official public business, however, such certificates shall be limited only to matters of official public business. The department may issue certificates to such persons or entities only if after issuing a request for proposals from certification authorities licensed under chapter 19.34 RCW and review of the submitted proposals, makes a determination that such private services are not sufficient to meet the department's published requirements. The department must set forth in writing the basis of any such determination and provide procedures for challenge of the determination as provided by the state procurement requirements; or
- (5) An applicant for a license as a certification authority for the purpose of compliance with RCW 19.34.100(1)(a).

[1999 c 287 § 18; 1997 c 27 § 29.]

Notes:

Task force--Review--Expiration of section--1999 c 287: "(1) If the department of information services issues certificates to nongovernmental entities or individuals pursuant to section 18(4) of this act, the office of financial management shall convene a task force, which shall include both governmental and nongovernmental representatives, to review the practice of the state issuing certificates to nongovernmental entities or individuals for the purpose of conducting official public business. The task force shall prepare and submit its findings to the appropriate legislative committees by December 31, 2000.

(2) This section expires June 30, 2001." [1999 c 287 § 19.]

Effective date--1999 c 287: See note following RCW 19.34.010.

Effective date--Severability--1997 c 27: See notes following RCW 19.34.030.

RCW 43.105.800 K-20 educational network board.

The K-20 educational network board is created. The purpose of the K-20 board is to ensure that the K-20 educational telecommunications network is operated in a way that serves the broad public interest above the interest of any network user.

(1) The K-20 board shall comprise eleven voting and seven nonvoting members as follows:

(a) Voting members shall include: A person designated by the governor; one member of each caucus of the senate, appointed by the president of the senate; one member of each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction or his or her designee; the executive director of the higher education coordinating board or his or her designee; the executive director of the state board for community and technical colleges or his or her designee; the chair of the information services board, or his or her designee; the director of the department of information services or his or her designee; and one citizen member.

The citizen member shall be appointed to a four-year term by the governor with the consent of the senate. The governor shall appoint the citizen member of the K-20 board by July 30, 1999.

(b) Nonvoting members shall include one community or technical college president, appointed by the state board for technical and community colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, appointed by the superintendent of public instruction; and one representative of independent baccalaureate institutions, appointed by the Washington association of independent colleges and universities.

(2) The director of the department of information services or his or her designee shall serve as chair of the K-20 board. The department of information services shall provide staffing to the K-20 board. A majority of the voting members of the K-20 board shall constitute a quorum for the transaction of business.

(3) The citizen member of the K-20 board shall be compensated in accordance with RCW 43.03.250.

[1999 c 285 § 2.]

RCW 43.105.805 K-20 educational network board--Powers and duties.

The K-20 board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the K-20 board on (a) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (b) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (c) charges to nongovernmental entities connected to the network;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 43.105.830 for network expenditures;

(7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The K-20 board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. However, the information services board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

[1999 c 285 § 3.]

RCW 43.105.810 K-20 network technical steering committee.

The K-20 network technical steering committee is established, and shall report to the information services board.

(1) The committee consists of the following seven voting members: A representative of the higher education coordinating board, appointed by its executive director; a representative of

the superintendent of public instruction, appointed by the superintendent of public instruction; a representative of the state board for community and technical colleges, appointed by its executive director; a representative of the educational services districts, appointed by that organization; a representative of the baccalaureate institutions, appointed by the council of presidents; a representative of the computer or telecommunications industry, appointed by the governor; and a representative of the department, appointed by the director. The committee includes as ex officio, nonvoting members, a representative of the organization that operates the K-20 network under RCW 43.105.815, appointed by that organization; the state librarian; a representative of the independent nonprofit institutions of higher education, appointed by the Washington association of independent colleges and universities; and such additional ex officio, nonvoting members as may be appointed by the information services board. The committee shall select a chair from among its members.

(2) The committee shall have general operational and technical oversight over the K-20 network, as delegated by the information services board.

(3) The department shall supply necessary staff support to the committee.

[1999 c 285 § 6.]

RCW 43.105.815 K-20 operations cooperative--Ongoing management.

The department shall maintain, in consultation with the network users and the board, the K-20 operations cooperative, which shall be responsible for day-to-day network management, technical network status monitoring, technical problem response coordination, and other duties as agreed to by the department, the educational sectors, and the information services board. Funding for the K-20 operations cooperative shall be provided from the K-20 revolving fund under RCW 43.105.835.

[1999 c 285 § 8.]

RCW 43.105.820 K-20 telecommunication system--Technical plan.

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the goals and objectives established under RCW 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, as prioritized by the

K-20 telecommunications oversight and policy committee, or as modified by the board; (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The K-20 board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The K-20 board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

[1999 c 285 § 11; 1996 c 137 § 8. Formerly RCW 28D.02.070.]

Notes:

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

RCW 43.105.825 K-20 network--Oversight--Coordination of telecommunications planning.

(1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.

(2) The board may not interfere in any curriculum or legally offered programming offered over the network.

(3) The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.

(4) The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

(5) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

[1999 c 285 § 7.]

RCW 43.105.830 K-20 technology account.

The K-20 technology account is hereby created in the state treasury. The department of

information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system. Disbursements from the account shall be on authorization of the director of the department of information services with approval of the board.

[1999 c 285 § 9; 1997 c 180 § 2; 1996 c 137 § 7. Formerly RCW 28D.02.060.]

Notes:

Effective date--1997 c 180: See note following RCW 43.105.835.

Effective date--1996 c 137: "Sections 1 through 11 and 13 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 25, 1996]." [1996 c 137 § 19.]

Application--1996 c 137: "Nothing in this act shall prevent the ongoing maintenance and operation of existing telecommunications and information systems or programs." [1996 c 137 § 20.]

RCW 43.105.835 Education technology revolving fund.

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used to pay for network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 43.105.820 and subject to the review and approval of the office of financial management, establish and implement a billing structure for network services identified in subsection (1) of this section.

(3) The department shall charge those public entities connected to the K-20 telecommunications [telecommunication system] under RCW 43.105.820 an annual copayment per unit of transport connection as determined by the legislature after consideration of the K-20 board's recommendations. This copayment shall be deposited into the revolving fund to be used for the purposes in subsection (1) of this section. It is the intent of the legislature to appropriate to the revolving fund such moneys as necessary to cover the costs for transport, maintenance, and depreciation of data equipment located at the individual public institutions, maintenance and depreciation of the network backbone, and services provided to the network under RCW 43.105.815.

[1999 c 285 § 10; 1997 c 180 § 1. Formerly RCW 28D.02.065.]

NOTES:

Effective date--1997 c 180: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 23, 1997]." [1997 c 180 § 3.]

RCW 43.105.900 Severability--1973 1st ex.s. c 219.

If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 1st ex.s. c 219 § 10.]

RCW 43.105.901 Severability--1987 c 504.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1987 c 504 § 25.]

RCW 43.105.902 Effective date--1987 c 504.

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

[1987 c 504 § 26.]

RCW 43.105.903 Effective date--1999 c 285.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

[1999 c 285 § 14.]

RCW 43.105.904 Actions of telecommunications oversight and policy committee--Savings--1999 c 285.

Actions of the telecommunications oversight and policy committee in effect on June 30, 1999, shall remain in effect thereafter unless modified or repealed by the K-20 board.

[1999 c 285 § 4.]

Chapter 43.110 RCW
MUNICIPAL RESEARCH COUNCIL

Sections

| | |
|------------|---|
| 43.110.010 | Council created--Membership--Terms--Travel expenses. |
| 43.110.020 | Transmission of funds to council from general fund for allocation--Contracts--Purposes. |
| 43.110.030 | Municipal research and services. |
| 43.110.040 | Local government regulation and policy handouts--Technical assistance. |
| 43.110.050 | County research services account. |
| 43.110.060 | City and town research services account--Disbursal to municipal research council. |
| 43.110.070 | Hazardous liquid and gas pipeline--Model ordinance and franchise agreement. |

RCW 43.110.010 Council created--Membership--Terms--Travel expenses.

There shall be a state agency which shall be known as the municipal research council. The council shall be composed of fourteen members. Two members shall be appointed by the president of the senate, with equal representation from each of the two major political parties; two members shall be appointed by the speaker of the house of representatives, with equal representation from each of the two major political parties; one member shall be the director of community, trade, and economic development; six members, who shall be city or town officials, shall be appointed by the governor from a list of six nominees submitted by the board of directors of the association of Washington cities; and three members, who shall be county officials, shall be appointed by the governor, one of whom shall be a nominee submitted by the board of directors of the Washington association of county officials, and two of whom shall be from a list of two nominees submitted by the board of directors of the Washington state association of counties. Of the city or town officials, at least one shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred.

The terms of members shall be for two years. The terms of those members who are appointed as legislators or city, town, or county officials shall be dependent upon continuance in legislative, city, town, or county office. The terms of all members except legislative members shall commence on the first day of August in every odd-numbered year. The speaker of the house of representatives and the president of the senate shall make their appointments on or before the third Monday in January in each odd-numbered year, and the terms of the members thus appointed shall commence on the third Monday of January in each odd-numbered year.

Council members shall receive no compensation but shall be reimbursed for travel expenses at rates in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, except that members of the council who are also members of the legislature shall be reimbursed at the rates provided by RCW 44.04.120.

§ 1; 1969 c 108 § 2.]

NOTES:

Effective date--2001 c 290: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001." [2001 c 290 § 2.]

Effective date--1997 c 437: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 437 § 6.]

Effective date--1983 c 22: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1983." [1983 c 22 § 5.]

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Severability--Effective date--1969 c 108: See notes following RCW 82.44.160.

RCW 43.110.020 Transmission of funds to council from general fund for allocation--Contracts--Purposes.

See RCW 82.44.160.

RCW 43.110.030 Municipal research and services.

The municipal research council shall contract for the provision of municipal research and services to cities, towns, and counties. Contracts for municipal research and services shall be made with state agencies, educational institutions, or private consulting firms, that in the judgment of council members are qualified to provide such research and services. Contracts for staff support may be made with state agencies, educational institutions, or private consulting firms that in the judgment of the council members are qualified to provide such support.

Municipal research and services shall consist of: (1) Studying and researching city, town, and county government and issues relating to city, town, and county government; (2) acquiring, preparing, and distributing publications related to city, town, and county government and issues relating to city, town, and county government; (3) providing educational conferences relating to city, town, and county government and issues relating to city, town, and county government; and (4) furnishing legal, technical, consultative, and field services to cities, towns, and counties concerning planning, public health, utility services, fire protection, law enforcement, public works, and other issues relating to city, town, and county government. Requests for legal services by county officials shall be sent to the office of the county prosecuting attorney. Responses by the municipal research council to county requests for legal services shall be provided to the requesting official and the county prosecuting attorney.

The activities, programs, and services of the municipal research council shall be carried on in cooperation with the association of Washington cities and the Washington state association of counties. Services to cities and towns shall be based upon the moneys appropriated to the municipal research council from the city and town research services account under RCW 43.110.060. Services to counties shall be based upon the moneys appropriated to the municipal research council from the county research services account under RCW 43.110.050.

[2000 c 227 § 3; 1997 c 437 § 2; 1990 c 104 § 2.]

Notes:

Effective date--2000 c 227: See note following RCW 43.110.060.

Effective date--1997 c 437: See note following RCW 43.110.010.

RCW 43.110.040 Local government regulation and policy handouts--Technical assistance.

The municipal research council shall provide technical assistance in the compilation of and support in the production of the handouts to be published and kept current by counties and cities under RCW 36.70B.220.

[1996 c 206 § 10.]

Notes:

Findings--1996 c 206: See note following RCW 43.05.030.

RCW 43.110.050 County research services account.

A special account is created in the state treasury to be known as the county research services account. The account shall consist of all money transferred to the account under RCW 82.08.170 or otherwise transferred or appropriated to the account by the legislature. Moneys in the account may be spent only after appropriation. The account is subject to the allotment process under chapter 43.88 RCW.

Moneys in the county research services account may be expended only to finance the costs of county research.

[1997 c 437 § 3.]

Notes:

Effective date--1997 c 437: See note following RCW 43.110.010.

RCW 43.110.060 City and town research services account--Disbursal to municipal research council.

The city and town research services account is created in the state treasury. Moneys in the account shall consist of amounts transferred under RCW 66.08.190(2) and any other transfers or appropriations to the account. Moneys in the account may be spent only after an appropriation. Expenditures from the account may be used only for city and town research.

Unobligated moneys remaining in the account at the end of the fiscal biennium shall be distributed by the treasurer to the incorporated cities and towns of the state under RCW 66.08.190(1)(b).

The treasurer may disburse amounts appropriated to the municipal research council from the city and town research services account by warrant or check to the contracting parties on invoices or vouchers certified by the chair of the municipal research council or his or her designee. Payments to public agencies may be made in advance of actual work contracted for, at the discretion of the council.

[2000 c 227 § 1.]

Notes:

Effective date--2000 c 227: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2000." [2000 c 227 § 5.]

RCW 43.110.070 Hazardous liquid and gas pipeline--Model ordinance and franchise agreement.

The municipal research council shall, by June 30, 2001, develop and periodically update, for the consideration by local governments:

- (1) A model ordinance that establishes setback and depth requirements for new hazardous liquid and gas pipeline construction; and
- (2) A model franchise agreement for jurisdictions through which a hazardous liquid or gas pipeline is located.

[2000 c 191 § 8.]

Notes:

Intent--Findings--Conflict with federal requirements--Short title--Effective date--2000 c 191: See RCW 81.88.005 and 81.88.900 through 81.88.902.

**Chapter 43.113 RCW
COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

Sections

- | | |
|------------|---|
| 43.113.005 | Legislative declaration. |
| 43.113.010 | Commission created. |
| 43.113.020 | Membership--Terms--Vacancies--Quorum--Expenses. |
| 43.113.030 | Powers and duties. |

Notes:

Ethnic and cultural diversity--Development of curriculum for understanding: RCW 2.56.030 and 43.101.280.

RCW 43.113.005 Legislative declaration.

The legislature declares that it is the public policy of this state to insure equal opportunity for all of its citizens. The legislature finds that, for economic, social, and historical reasons, a disproportionate number of African-Americans find themselves disadvantaged or isolated from the benefits of equal opportunity. The legislature believes that it is the duty of this state to improve the well-being of African-Americans by enabling them to participate fully in all fields of endeavor and by assisting them in obtaining governmental services. The legislature further finds that the development of public policy and the delivery of governmental services to meet the special needs of African-Americans can be improved by establishing a focal point in state

government for the interests of African-American citizens. Therefore, the legislature deems it necessary to establish in statute the commission on African-American affairs to further these purposes.

[1992 c 96 § 1.]

RCW 43.113.010 Commission created.

The Washington state commission on African-American affairs is created. The commission shall be administered by an executive director, who shall be appointed by, and serve at the pleasure of, the governor. The governor shall set the salary of the executive director. The executive director shall employ the staff of the commission.

[1992 c 96 § 2.]

RCW 43.113.020 Membership--Terms--Vacancies--Quorum--Expenses.

The commission shall consist of nine members, appointed by the governor. The commission shall make recommendations to the governor on appointment of the chair of the commission. The governor shall appoint the chair of the commission. To the extent practicable, appointments to the commission shall be made to achieve a balanced representation based on African-American population distribution within the state, geographic considerations, sex, age, and occupation. Members shall serve three-year terms. However, of the initial appointees, one-third shall serve three-year terms, one-third shall serve two-year terms, and one-third shall serve a one-year term. In the case of a vacancy, appointment shall be for the remainder of the unexpired term. No member shall serve more than two full consecutive terms. Members shall be reimbursed for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Five members shall constitute a quorum for the purposes of conducting business.

[1992 c 96 § 3.]

RCW 43.113.030 Powers and duties.

The commission shall have the following powers and duties:

(1) Examine and define issues pertaining to the rights and needs of African-Americans, and make recommendations to the governor and state agencies for changes in programs and laws.

(2) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of African-Americans.

(3) Acting in concert with the governor, advise the legislature on issues of concern to the African-American community.

(4) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for African-Americans.

(5) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

[1992 c 96 § 4.]

Chapter 43.115 RCW

STATE COMMISSION ON HISPANIC AFFAIRS

Sections

| | |
|------------|---|
| 43.115.010 | Legislative declaration. |
| 43.115.020 | Commission created. |
| 43.115.030 | Membership--Terms--Vacancies--Travel expenses--Quorum. |
| 43.115.040 | Officers and employees--Rules and regulations. |
| 43.115.045 | Executive director. |
| 43.115.060 | Relationships with local government and private industry. |
| 43.115.900 | Severability--1971 ex.s. c 34. |

Notes:

Reviser's note--Sunset Act application: The Washington state commission on Hispanic affairs is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.341. RCW 43.115.010 through 43.115.060 and 43.115.900 are scheduled for future repeal under RCW 43.131.342. *Ethnic and cultural diversity--Development of curriculum for understanding: RCW 2.56.030 and 43.101.280.*

RCW 43.115.010 Legislative declaration.

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature believes that it is the duty of the state to improve the well-being of Hispanics by enabling them to participate fully in all fields of endeavor and assisting them in obtaining governmental services. The legislature further finds that the development of public policy and the delivery of governmental services to meet the special needs of Hispanics can be improved by establishing a focal point in state government for the interests of Hispanics. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

[1993 c 261 § 1; 1987 c 249 § 1; 1971 ex.s. c 34 § 1.]

Notes:

Sunset Act application: See note following chapter digest.

RCW 43.115.020 Commission created.

There is created a Washington state commission on Hispanic affairs.

[1987 c 249 § 2; 1971 ex.s. c 34 § 2.]

Notes:

Sunset Act application: See note following chapter digest.

RCW 43.115.030 Membership--Terms--Vacancies--Travel expenses--Quorum.

(1) The commission shall consist of eleven members of Hispanic origin appointed by the governor. To the extent practicable, appointments to the commission shall be made to achieve a balanced representation based on the Hispanic population distribution within the state, geographic considerations, sex, age, and occupation. Members shall serve three-year terms. No member shall serve more than two full consecutive terms. Vacancies shall be filled in the same manner as the original appointments.

(2) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) Six members of the commission shall constitute a quorum for the purpose of conducting business.

[1993 c 261 § 2; 1987 c 249 § 3; 1981 c 338 § 15; 1975-'76 2nd ex.s. c 34 § 130; 1971 ex.s. c 34 § 3.]

Notes:

Sunset Act application: See note following chapter digest.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.115.040 Officers and employees--Rules and regulations.

The commission shall have the following powers and duties:

- (1) Elect one of its members to serve as chairman;
- (2) Adopt rules and regulations pursuant to chapter 34.05 RCW;
- (3) Examine and define issues pertaining to the rights and needs of Hispanics, and make recommendations to the governor and state agencies for changes in programs and laws;
- (4) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of Hispanics;
- (5) Advise the legislature on issues of concern to the Hispanic community;
- (6) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for Hispanics; and
- (7) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

[1993 c 261 § 3; 1987 c 249 § 4; 1971 ex.s. c 34 § 4.]

Notes:

Sunset Act application: See note following chapter digest.

RCW 43.115.045 Executive director.

(1) The commission shall be administered by an executive director, who shall be appointed by and serve at the pleasure of the governor. The governor shall base the appointment of the executive director on recommendations of the commission. The salary of the executive

director shall be set by the governor.

(2) The executive director shall employ a staff, who shall be state employees pursuant to Title 41 RCW. The executive director shall prescribe the duties of the staff as may be necessary to implement the purposes of this chapter.

[1993 c 261 § 4.]

RCW 43.115.060 Relationships with local government and private industry.

In carrying out its duties the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity for Hispanics in government, education and employment.

[1987 c 249 § 6; 1971 ex.s. c 34 § 6.]

Notes:

Sunset Act application: See note following chapter digest.

RCW 43.115.900 Severability--1971 ex.s. c 34.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 34 § 7.]

Notes:

Sunset Act application: See note following chapter digest.

Chapter 43.117 RCW
STATE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS
(Formerly: State commission on Asian-American affairs)

Sections

| | |
|------------|--|
| 43.117.010 | Legislative declaration. |
| 43.117.020 | Definitions. |
| 43.117.030 | Commission established. |
| 43.117.040 | Membership--Terms--Vacancies--Travel expenses--Quorum--Executive director. |
| 43.117.050 | Officers--Rules and regulations--Meetings. |
| 43.117.060 | Staff. |
| 43.117.070 | Duties of commission--State agencies to give assistance. |
| 43.117.080 | Promotion of equal opportunity and benefits. |
| 43.117.090 | Hearings--Information to be furnished to commission. |
| 43.117.100 | Gifts, grants and endowments--Receipt and expenditure. |
| 43.117.110 | Asian Pacific American heritage month. |
| 43.117.900 | Severability--1974 ex.s. c 140. |

Notes:

Ethnic and cultural diversity--Development of curriculum for understanding: RCW 2.56.030 and 43.101.280.

RCW 43.117.010 Legislative declaration.

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Asian Pacific Americans have unique and special problems. It is the purpose of this chapter to improve the well-being of Asian Pacific Americans by insuring their access to participation in the fields of government, business, education, and other areas. The legislature is particularly concerned with the plight of those Asian Pacific Americans who, for economic, linguistic, or cultural reasons, find themselves disadvantaged or isolated from American society and the benefits of equal opportunity. The legislature aims to help these and all Asian Pacific Americans achieve full equality and inclusion in American society. The legislature further finds that it is necessary to aid Asian Pacific Americans in obtaining governmental services in order to promote the health, safety, and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

[2000 c 236 § 1; 1995 c 67 § 2; 1983 c 119 § 1; 1974 ex.s. c 140 § 1.]

Notes:

Effective date--2000 c 236: "This act takes effect April 30, 2000." [2000 c 236 § 4.]

Effective date--1983 c 119: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1983." [1983 c 119 § 5.]

RCW 43.117.020 Definitions.

As used in this chapter unless the context indicates otherwise:

(1) "Asian Pacific Americans" include persons of Japanese, Chinese, Filipino, Korean, Samoan, Guamanian, Thai, Vietnamese, Cambodian, Laotian, and other South East Asian, South Asian, and Pacific Island ancestry.

(2) "Commission" means the Washington state commission on Asian Pacific American affairs in the office of the governor.

[1995 c 67 § 3; 1974 ex.s. c 140 § 2.]

RCW 43.117.030 Commission established.

There is established a Washington state commission on Asian Pacific American affairs in the office of the governor. The now existing Asian-American advisory council shall become the commission upon enactment of this chapter. The council may transfer all office equipment, including files and records to the commission.

[1995 c 67 § 4; 1974 ex.s. c 140 § 3.]

RCW 43.117.040 Membership--Terms--Vacancies--Travel

expenses--Quorum--Executive director.

(1) The commission shall consist of twelve members appointed by the governor. In making such appointments, the governor shall give due consideration to recommendations submitted to him by the commission. The governor may also consider nominations of members made by the various Asian-American organizations in the state. The governor shall consider nominations for membership based upon maintaining a balanced distribution of Asian-ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) Appointments shall be for three years except in case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Seven members shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director based upon recommendations made by the council.

[1982 c 68 § 1; 1981 c 338 § 16; 1975-'76 2nd ex.s. c 34 § 131; 1974 ex.s. c 140 § 4.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.117.050 Officers--Rules and regulations--Meetings.

The commission shall:

(1) Elect one of its members to serve as chairman; and also such other officers as necessary to form an executive committee;

(2) Adopt rules and regulations pursuant to chapter 34.05 RCW;

(3) Meet at the call of the chairman or the call of a majority of its members, but in no case less often than once during any three month period;

(4) Be authorized to appoint such citizen task force as it deems appropriate.

[1974 ex.s. c 140 § 5.]

RCW 43.117.060 Staff.

The executive director shall employ a staff who shall be state employees pursuant to Title 41 RCW and prescribe their duties as may be necessary to implement the purposes of this chapter.

[1974 ex.s. c 140 § 6.]

RCW 43.117.070 Duties of commission--State agencies to give assistance.

(1) The commission shall examine and define issues pertaining to the rights and needs of Asian Pacific Americans, and make recommendations to the governor and state agencies with

respect to desirable changes in program and law.

(2) The commission shall advise such state government agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Asian Pacific Americans.

(3) The commission shall coordinate and assist with state-wide celebrations during the fourth week of Asian Pacific American Heritage Month that recognize the contributions to the state by Asian Pacific Americans in the arts, sciences, commerce, and education.

(4) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter.

[2000 c 236 § 3; 1995 c 67 § 5; 1974 ex.s. c 140 § 7.]

Notes:

Effective date--2000 c 236: See note following RCW 43.117.010.

RCW 43.117.080 Promotion of equal opportunity and benefits.

In carrying out its duties, the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity and benefits to Asian Pacific Americans in government, education, economic development, employment, and services.

[1995 c 67 § 6; 1974 ex.s. c 140 § 8.]

RCW 43.117.090 Hearings--Information to be furnished to commission.

(1) The commission may for the purpose of carrying out the purposes of this chapter hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the commission may deem advisable. The commission may administer oaths or affirmations to witnesses appearing before it. At least five members of the commission must be present to conduct a hearing.

(2) The commission may secure directly from any department or agency of the state information necessary to enable it to carry out the purposes of this chapter. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

[1974 ex.s. c 140 § 9.]

RCW 43.117.100 Gifts, grants and endowments--Receipt and expenditure.

The commission shall have authority to receive such gifts, grants, and endowments from public or private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

[1974 ex.s. c 140 § 10.]

RCW 43.117.110 Asian Pacific American heritage month.

The legislature declares that:

- (1) May of each year will be known as Asian Pacific American heritage month;
- (2) The fourth week of May is designated as a time for people of this state to celebrate the contributions to the state by Asian Pacific Americans in the arts, sciences, commerce, and education; and
- (3) Educational institutions, public entities, and private organizations are encouraged to designate time for appropriate activities in commemoration of the lives, history, achievements, and contributions of Asian Pacific Americans.

[2000 c 236 § 2.]

Notes:

Effective date--2000 c 236: See note following RCW 43.117.010.

RCW 43.117.900 Severability--1974 ex.s. c 140.

If any provision of this 1974 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1974 ex.s. c 140 § 11.]

**Chapter 43.121 RCW
COUNCIL FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT**

Sections

| | |
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| 43.121.010 | Legislative declaration, intent. |
| 43.121.015 | Definitions. |
| 43.121.020 | Council established--Members, chairperson--Appointment, qualifications, terms, vacancies. |
| 43.121.030 | Compensation and travel expenses of members. |
| 43.121.040 | Executive director, salary--Staff. |
| 43.121.050 | Council powers and duties--Generally--Rules. |
| 43.121.060 | Contracts for services--Scope of programs--Funding. |
| 43.121.070 | Contracts for services--Factors in awarding. |
| 43.121.080 | Contracts for services--Partial funding by administering organization, what constitutes. |
| 43.121.100 | Contributions, grants, gifts--Depository for and disbursement and expenditure control of moneys received--Children's trust fund. |
| 43.121.110 | Parenting skills--Legislative findings. |
| 43.121.120 | Community-based early parenting skills programs--Funding. |
| 43.121.130 | Decreased state funding of parenting skills programs--Evaluation. |
| 43.121.140 | Shaken baby syndrome--Outreach campaign. |
| 43.121.150 | Juvenile crime--Legislative findings. |
| 43.121.910 | Severability--1982 c 4. |

RCW 43.121.010 Legislative declaration, intent.

The legislature recognizes that child abuse and neglect is a threat to the family unit and imposes major expenses on society. The legislature further declares that there is a need to assist private and public agencies in identifying and establishing community based educational and service programs for the prevention of child abuse and neglect. It is the intent of the legislature that an increase in prevention programs will help reduce the breakdown in families and thus reduce the need for state intervention and state expense. It is further the intent of the legislature that prevention of child abuse and child neglect programs are partnerships between communities, citizens, and the state.

[1982 c 4 § 1.]

RCW 43.121.015 Definitions.

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Child" means an unmarried person who is under eighteen years of age.
- (2) "Council" means the Washington council for the prevention of child abuse and neglect.
- (3) "Primary prevention" of child abuse and neglect means any effort designed to inhibit or preclude the initial occurrence of child abuse and neglect, both by the promotion of positive parenting and family interaction, and the remediation of factors linked to causes of child maltreatment.
- (4) "Secondary prevention" means services and programs that identify and assist families under such stress that abuse or neglect is likely or families display symptoms associated with child abuse or neglect.

[1988 c 278 § 4; 1987 c 351 § 2.]

Notes:

Legislative findings--1987 c 351: See note following RCW 70.58.085.

RCW 43.121.020 Council established--Members, chairperson--Appointment, qualifications, terms, vacancies.

- (1) There is established in the executive office of the governor a Washington council for the prevention of child abuse and neglect subject to the jurisdiction of the governor.
- (2) The council shall be composed of the chairperson and thirteen other members as follows:
 - (a) The chairperson and six other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. The appointments

shall be made on a geographic basis to assure state-wide representation. Members appointed by the governor shall serve for three-year terms. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The secretary of social and health services or the secretary's designee, the superintendent of public instruction or the superintendent's designee, and the secretary of the department of health or the secretary's designee shall serve as voting members of the council.

(c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one from each political caucus of the senate to be appointed by the president of the senate.

[1996 c 10 § 1; 1994 c 48 § 1; 1989 c 304 § 4; 1987 c 351 § 3; 1984 c 261 § 1; 1982 c 4 § 2.]

Notes:

Legislative findings--1987 c 351: See note following RCW 70.58.085.

Severability--1984 c 261: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 261 § 8.]

RCW 43.121.030 Compensation and travel expenses of members.

Council members shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Attendance at meetings of the council shall be deemed performance by a member of the duties of a member's employment.

[1984 c 287 § 87; 1982 c 4 § 3.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.121.040 Executive director, salary--Staff.

The governor may employ an executive director who shall be exempt from the provisions of chapter 41.06 RCW, and such other staff as are necessary to carry out the purposes of this chapter. The salary of the executive director shall be fixed by the governor pursuant to RCW 43.03.040.

[1982 c 4 § 4.]

RCW 43.121.050 Council powers and duties--Generally--Rules.

To carry out the purposes of this chapter, the council may:

(1) Contract with public or private nonprofit organizations, agencies, schools, or with qualified individuals for the establishment of community-based educational and service programs designed to:

(a) Reduce the occurrence of child abuse and neglect; and

(b) Provide for parenting skills which include: Consistency in parenting; providing children with positive discipline that provides firm order without hurting children physically or emotionally; and preserving and nurturing the family unit. Programs to provide these parenting skills may include the following:

(i) Programs to teach positive methods of disciplining children;

(ii) Programs to educate parents about the physical, mental, and emotional development of children;

(iii) Programs to enhance the skills of parents in providing for their children's learning and development; and

(iv) Learning experiences for children and parents to help prepare parents and children for the experiences in school. Contracts also may be awarded for research programs related to primary and secondary prevention of child abuse and neglect, and to develop and strengthen community child abuse and neglect prevention networks. Each contract entered into by the council shall contain a provision for the evaluation of services provided under the contract. Contracts for services to prevent child abuse and child neglect shall be awarded as demonstration projects with continuation based upon goal attainment. Contracts for services to prevent child abuse and child neglect shall be awarded on the basis of probability of success based in part upon sound research data.

(2) Facilitate the exchange of information between groups concerned with families and children.

(3) Consult with applicable state agencies, commissions, and boards to help determine the probable effectiveness, fiscal soundness, and need for proposed educational and service programs for the prevention of child abuse and neglect.

(4) Establish fee schedules to provide for the recipients of services to reimburse the state general fund for the cost of services received.

(5) Adopt its own bylaws.

(6) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

[1988 c 278 § 5; 1987 c 351 § 4; 1982 c 4 § 5.]

Notes:

Legislative findings--1987 c 351: See note following RCW 70.58.085.

RCW 43.121.060 Contracts for services--Scope of programs--Funding.

Programs contracted for under this chapter are intended to provide primary child abuse and neglect prevention services. Such programs may include, but are not limited to:

(1) Community-based educational programs on prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, and coping with family stress; and

(2) Community-based programs relating to crisis care, aid to parents, child-abuse counseling, support groups for abusive or potentially abusive parents and their children, and early identification of families where the potential for child abuse and neglect exists.

The council shall develop policies to determine whether programs will be demonstration or will receive continuous funding. Nothing in this chapter requires continued funding by the state.

[1982 c 4 § 6.]

RCW 43.121.070 Contracts for services--Factors in awarding.

In awarding contracts under RCW 43.121.060, consideration shall be given to factors such as need, diversity of geographic locations, coordination with or enhancement of existing services, and the extensive use of volunteers in the program. Further consideration shall be given to the extent to which contract proposals are based on prior research that indicates a probability of goal achievement.

[1982 c 4 § 7.]

RCW 43.121.080 Contracts for services--Partial funding by administering organization, what constitutes.

Twenty-five percent of the funding for programs under this chapter shall be provided by the organization administering the program. Contributions of materials, supplies, or physical facilities may be considered as all or part of the funding provided by the organization.

[1982 c 4 § 8.]

RCW 43.121.100 Contributions, grants, gifts--Depository for and disbursement and expenditure control of moneys received--Children's trust fund.

The council may accept contributions, grants, or gifts in cash or otherwise, including funds generated by the sale of "heirloom" birth certificates under chapter 70.58 RCW from persons, associations, or corporations. All moneys received by the council or any employee thereof from contributions, grants, or gifts and not through appropriation by the legislature shall be deposited in a depository approved by the state treasurer to be known as the children's trust fund. Disbursements of such funds shall be on the authorization of the council or a duly authorized representative thereof and only for the purposes stated in RCW 43.121.050. In order to maintain an effective expenditure and revenue control, such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

[1987 c 351 § 5; 1984 c 261 § 3; 1982 c 4 § 10.]

Notes:

Legislative findings--1987 c 351: See note following RCW 70.58.085.

Severability--1984 c 261: See note following RCW 43.121.020.

RCW 43.121.110 Parenting skills--Legislative findings.

The legislature believes that parents who have developed good early parenting skills provide homes where children are treated with dignity and respect and where closeness and trust among family members provide children with the basis for a productive adult life. The legislature also believes that children raised in this positive atmosphere will develop self esteem and are unlikely to become dependent upon the social service system or to be involved in the criminal justice system. The legislature further believes that teaching parents good early parenting skills can help eliminate physical and emotional abuse of children.

[1988 c 278 § 1.]

RCW 43.121.120 Community-based early parenting skills programs--Funding.

(1) In order to increase the knowledge of early parenting skills of parents in Washington state, voluntary community based programs on early parenting skills shall be established. The council shall fund, within available funds, and monitor community-based early parenting skills programs in at least three geographically balanced areas around the state. Successful programs which the council and the national center on child abuse and neglect have funded or currently fund, may be used as models for the projects.

(2) The early parenting education program shall be designed to serve families with children ranging from infants through three years old and also to serve expectant parents. The projects may include the following:

- (a) Education for parents about the physical, mental, and emotional development of children;
- (b) Programs to enhance the skills of parents in providing for learning and development of their children;
- (c) Shared learning experiences for children and parents;
- (d) Activities designed to screen for children's physical, mental, emotional, or behavioral problems that may cause learning problems;
- (e) Resources for educational materials which may be borrowed for home use;
- (f) Information on related community resources;
- (g) Group support which may include counseling for parents under stress;
- (h) Emphasis to encourage participation by fathers; or
- (i) Other programs or activities consistent with this chapter.

(3) The programs shall be reviewed periodically to provide that the instruction and materials are not racially, culturally, or sexually biased.

(4) The services provided by the projects shall be coordinated with schools and social services provided in the community to avoid duplication of services.

(5) A sliding fee scale shall be utilized at the discretion of the council.

[1988 c 278 § 2.]

RCW 43.121.130 Decreased state funding of parenting skills programs--Evaluation.

(1) Funding shall be provided, as funds are available, in decreasing amounts over a two-year period, with the goal of having the programs become supported by local communities at the end of a two-year period. State funding may be continued in areas where local funding would be difficult to obtain due to local economic conditions to the extent funding is made available to the council.

(2) The council shall work with the projects in the program to evaluate the results of the projects. The council shall make recommendations on these projects and the program. A project agreeing to develop an evaluation component shall be considered for a three-year funding schedule.

[1998 c 245 § 48; 1988 c 278 § 3.]

RCW 43.121.140 Shaken baby syndrome--Outreach campaign.

The council shall conduct a proactive, public information and communication outreach campaign regarding the dangers of shaking infants and young children, and the causes and prevention of shaken baby syndrome.

The public information campaign shall include production and distribution of a readily understandable brochure regarding shaken baby syndrome, explaining its medical effects upon infants and emphasizing preventive measures.

The brochure shall be distributed free of charge to the parents or guardians of each newborn, upon discharge from a hospital or other health facility. In the event of home birth attended by a licensed midwife, the midwife shall be responsible for presenting the brochure to the parents of the newborn.

The public information campaign may, within available funds, also include communication by electronic media, telephone hotlines, and existing parenting education events funded by the council.

[1993 c 107 § 2.]

Notes:

Finding--1993 c 107: "The legislature finds that shaken baby syndrome is a medically serious, sometimes fatal, usually unintentional matter affecting newborns and very young children.

Vigorous shaking of an infant can result in bleeding inside the head, causing irreversible brain damage, blindness, cerebral palsy, hearing loss, spinal cord injury, seizures, learning disabilities, or death. Many healthy, intelligent infants suffer from shaken baby syndrome because their caregivers were unaware of the dangers. The damage is preventable through education and awareness." [1993 c 107 § 1.]

RCW 43.121.150 Juvenile crime--Legislative findings.

The legislature of the state of Washington finds that community deterioration and family disintegration are increasing problems in our state. One clear indicator of this damage is juvenile crime and violence. The legislature further finds that prevention is one of the best methods of

fighting juvenile crime. Building more facilities to house juvenile offenders can be at best only one part of any solution. Any increased spending on confining juvenile offenders must be closely linked to existing efforts to prevent juvenile crime.

[1997 c 338 § 56.]

Notes:

Finding--Evaluation--Report--1997 c 338: See note following RCW 13.40.0357.

Severability--Effective dates--1997 c 338: See notes following RCW 5.60.060.

RCW 43.121.910 Severability--1982 c 4.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1982 c 4 § 15.]

**Chapter 43.126 RCW
GEOGRAPHIC NAMES**

Sections

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RCW 43.126.015 Purposes.

The purposes of this chapter are: To establish a procedure for the retention and formal recognition of existing geographical names; to standardize the procedures for naming or renaming geographical features within the state of Washington; to identify one body as the responsible agency to coordinate this important activity between local, state, and federal agencies; to identify the responsible agency for the purpose of serving the public interest; to avoid the duplication of names for similar features whenever possible; and as far as possible, to retain the significance, spelling, and color of names associated with the early history of Washington.

[1983 c 273 § 1.]

RCW 43.126.025 State board on geographic names created--Membership--Chairman.

There is hereby created a Washington state board on geographic names composed of:

- (1) The state librarian or a representative;
- (2) The commissioner of public lands or a representative;
- (3) The chairperson of the Washington state heritage council created by 1983 law; and
- (4) Four members from the general public to be appointed by the commissioner of public

lands.

The commissioner of public lands or his or her representative shall be chairman of the board.

The members of the initial board to be appointed by the commissioner shall be appointed as follows: One member for a one-year term, one member for a two-year term, one member for a three-year term, and one member for a four-year term. Thereafter, each member shall be appointed for a three-year term. Each member of the board shall continue in office until a successor is appointed.

[1983 c 273 § 2.]

RCW 43.126.035 Powers and duties.

It shall be the duty of the Washington state board on geographic names and it shall have the power and authority to:

(1) Establish the official names for the lakes, mountains, streams, places, towns, and other geographic features within the state and the spellings thereof except when a name is specified by law. For the purposes of this subsection geographic features do not include man-made features or administrative areas such as parks, game reserves, and dams, but shall include man-made lakes;

(2) Assign names to lakes, mountains, streams, places, towns, and other geographic features in the state for which no single generally accepted name has been in use;

(3) Cooperate with county commissioners, state departments, and agencies, and with the United States board on geographic names to establish, change and/or determine the appropriate names of the lakes, mountains, streams, places, towns, and other geographic features for the purpose of eliminating, as far as possible, duplication of place names within the state;

(4) Serve as a state of Washington liaison with the United States board on geographic names;

(5) Periodically issue a list of names approved by the board.

[1983 c 273 § 3.]

RCW 43.126.045 Policies--Criteria.

The board is authorized to establish policies to carry out the purposes of this chapter. In determining the names and spelling of geographic place names within the state of Washington, the board's decisions shall be made only after a careful consideration of all available information

relating to such names, including the recommendations of the United States board on geographic names, with which the board shall cooperate.

[1983 c 273 § 4.]

RCW 43.126.055 Adoption of names--Procedure--Effect.

Adoption of names by the board shall take place only after consideration at a previous meeting. All board determinations shall be filed with the code reviser and shall be compiled and indexed in the same manner as agency rules under RCW 34.05.210. Determinations by the board shall not be considered a rule under RCW 34.05.010. Whenever the state board on geographic names has given a name to any lake, stream, place, or other geographic feature within the state, that name shall be used in all maps, records, documents, and other publications issued by the state or any of its departments and political subdivisions, and that name shall be the official name of the geographic feature.

[1983 c 273 § 5.]

RCW 43.126.065 Meetings--Rules--Publication of adopted names.

(1) The board shall hold at least two meetings each year, and shall hold special meetings as called by the chairman or a majority of the board.

(2) All meetings shall be open to the public.

(3) Notice of all board meetings shall be as provided in RCW 42.30.080. This notice includes those names to be considered by the board and those names to be adopted by the board.

(4) Four board members shall constitute a quorum.

(5) The board shall establish rules for the conduct of its affairs and to carry out the purposes of this chapter.

(6) The department of natural resources shall furnish secretarial and administrative services and shall serve as custodian of the records.

(7) All geographic names adopted by the board shall be published in the Washington State Register.

[1983 c 273 § 6.]

RCW 43.126.075 Compensation and travel expenses of members.

Members of the board who are not otherwise public employees shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, which shall be paid by the agency that each member represents and, for the four members of the general public, by the department of natural resources.

[1984 c 287 § 88; 1983 c 273 § 7.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.126.085 Naming geographic features without board approval prohibited.

A person shall not, in any advertisement or publication, attempt to change local usage or name unnamed geographic features without first obtaining approval of the board.

[1983 c 273 § 8.]

**Chapter 43.130 RCW
ECONOMIC IMPACT ACT--CLOSING OF STATE FACILITIES**

Sections

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| 43.130.020 | Definitions. |
| 43.130.030 | Excluded employment and employees. |
| 43.130.040 | Benefits. |
| 43.130.050 | Eligibility--Conditions. |
| 43.130.060 | Reimbursement of public employees' retirement system. |
| 43.130.900 | Severability--1973 2nd ex.s. c 37. |
| 43.130.910 | Emergency--Operative dates--Termination of benefits. |

RCW 43.130.010 Purpose.

When either for fiscal reasons, obsolescence or other extraordinary reasons, it becomes necessary to close a state facility, as defined by RCW 43.130.020(2), the state has a responsibility to provide certain benefits to affected employees.

It is the purpose of this chapter to establish an economic impact act for the state of Washington to meet the emergency situation now in existence for state employees affected by the closure of state facilities, as defined in RCW 43.130.020.

[1973 2nd ex.s. c 37 § 1.]

RCW 43.130.020 Definitions.

For purposes of this chapter:

(1) "Employees" includes those persons performing services for the state on a salaried or hourly basis including, but not limited to, persons in "classified service" as defined in RCW 41.06.020(3) and those persons defined as exempt from the state civil service laws pursuant to RCW 41.06.070.

(2) The term "closure of a state facility" means the termination of services being provided by a facility operated by the department of social and health services or in conjunction with the department of natural resources, when such facility is terminated for fiscal reasons, obsolescence, or other extraordinary reasons.

(3) "Classified employees" means those employees performing classified service as

defined in RCW 41.06.020(3).

[1973 2nd ex.s. c 37 § 2.]

RCW 43.130.030 Excluded employment and employees.

Excluded employment and excluded employees under this chapter include, but are not limited to, the following:

(1) State employment related to a single project under a program separately financed by a grant of nonstate funds, federal funds or state funds, or by a combination of such funding, which is designed to provide training or employment opportunities, expertise or additional manpower related to the project or which, because of the nature of the project funding requirements, is not intended as a permanent program.

(2) Activities at least seventy-five percent federally funded by a categorical grant for a specific purpose and any other activities terminated because of actions taken by the federal government or other funding sources other than the state of Washington in eliminating or substantially limiting funding sources, except to the extent that the federal government or such other funding sources may permit the use of nonstate funds to pay for any employee benefits authorized pursuant to this chapter.

(3) The following categories of employees are excluded from benefits under this chapter:

(a) employees refusing transfer to vacant positions in the same or a like job classification and at not more than one full range lower than the same salary range;

(b) classified employees having other than permanent status in the classified service;

(c) employees having less than three years' consecutive state service as an employee, except that such employees shall nonetheless be eligible for the benefits provided in subsections (1), (2), (4) and (5) of RCW 43.130.040.

(d) nothing in this chapter shall affect any other rights currently held by classified employees regarding reduction in force procedures and subsequent reemployment.

[1973 2nd ex.s. c 37 § 3.]

RCW 43.130.040 Benefits.

In order to carry out the purposes of this chapter, the state shall take every reasonable step at its disposal to provide alternative employment and to minimize the economic loss of state employees affected by the closure of state facilities. Affected state employees shall be paid benefits as specified in this section.

(1) Relocation expenses covering the movement of household goods, incurred by the necessity of an employee moving his domicile to be within reasonable commuting distance of a new job site, shall be paid by the state to employees transferring to other state employment by reason of the closure of a facility.

(2) Relocation leave shall be allowed up to five working days' leave with pay for the purpose of locating new residence in the area of employment.

(3) The state shall reimburse the transferring employee to the extent of any unavoidable

financial loss suffered by an employee who sells his home at a price less than the true and fair market value as determined by the county assessor not exceeding three thousand dollars: PROVIDED, That this right of reimbursement must be exercised, and sale of the property must be accomplished, within a period of two years from the date other state employment is accepted.

(4) For employees in facilities which have been terminated who do not choose to participate in the transfer program set forth in the preceding subsections, the following terminal pay plan shall be available:

(a) For qualifying employees, for each one year of continuous state service, one week (five working days) of regular compensation shall be provided.

(b) Regular compensation as used in subsection (a) hereof shall include salary compensation at the rate being paid to the employees at the time operation of the facility is terminated.

(c) Terminal pay as set forth in subsections (a) and (b) hereof shall be paid to the employee at the termination of the employees last month of employment or within thirty days after *the effective date of this 1973 act, whichever is later: PROVIDED, That from the total amount of terminal pay, the average sum of unemployment compensation that the qualifying employee is eligible to receive multiplied by the total number of weeks of terminal pay minus one week shall be deducted.

(d) Those employees electing the early retirement benefits as stated in subsection (5) of this section shall not be eligible for the terminal pay provisions as set forth in this subsection.

(e) Those employees who are reemployed by the state during the period they are receiving terminal pay pursuant to subsections (a), (b) and (c) of this section shall reimburse the state for that portion of the terminal pay covered by the period of new employment.

(5) As an option to transferring to other state employment an employee may elect early retirement under the following conditions:

(a) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of fifty-five years, with at least five years creditable service, shall be immediately eligible to retire, with no actuarial reduction in the amount of his pension benefit.

(b) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of forty-five years, with at least five years creditable service, shall be immediately eligible to retire with an actuarial reduction in the amount of his pension benefit of three percent for each complete year that such employee is under fifty-five years of age.

(c) Employees who elect to retire pursuant to RCW 41.40.180 shall be eligible to retire while on authorized leave of absence not in excess of one hundred and twenty days.

(d) Employees who elect to retire under the provisions of this section shall not be eligible for any retirement benefit in a year following a year in which their employment income was in excess of six thousand dollars. This six thousand dollars base shall be adjusted annually beginning in 1974 by such cost of living adjustments as are applied by the public employees' retirement system to membership retirement benefits. The public employees retirement system board shall adopt necessary rules and regulations to implement the provisions of this subsection.

[1973 2nd ex.s. c 37 § 4.]

Notes:

***Reviser's note:** The effective date of 1973 2nd ex.s. c 37 was September 26, 1973.

Public employees' retirement system: Chapter 41.40 RCW.

Termination date of benefits under subsection (3) of this section: RCW 43.130.910.

RCW 43.130.050 Eligibility--Conditions.

(1) Notwithstanding any other provision of this chapter employees affected by the closure of a state facility as defined in RCW 43.130.020(2) who were employed as of May 1, 1973 at such facility, and who are still in employment of the state or on an official leave of absence as of September 26, 1973, who would otherwise qualify for the enumerated benefits of this chapter are hereby declared eligible for such benefits under the following conditions:

(a) such employee must be actively employed by the state of Washington or on an official leave of absence on September 26, 1973, and unless the early retirement or terminal pay provisions of this chapter are elected, continue to be employed or to be available for employment in a same or like job classification at not less than one full range lower than the same salary range for a period of at least thirty days thereafter;

(b) such employee must give written notice of his election to avail himself of such benefits within thirty days after the *passage of this 1973 act or upon closure of the institution, whichever is later.

[1973 2nd ex.s. c 37 § 5.]

Notes:

***Reviser's note:** The effective date of 1973 2nd ex.s. c 37 was September 26, 1973, due to the emergency clause contained in section 9, codified as RCW 43.130.910.

1973 2nd ex.s. c 37 (Engrossed Substitute Senate Bill No. 2603) passed the Senate September 14, 1973, passed the House September 13, 1973, and was approved by the governor September 26, 1973.

Employees to whom chapter is operative: RCW 43.130.910.

RCW 43.130.060 Reimbursement of public employees' retirement system.

In order to reimburse the public employees' retirement system for any increased costs occasioned by the provisions of this chapter which affect the retirement system, the *public employees' retirement board shall, within thirty days of the date upon which any affected employee elects to take advantage of the retirement provisions of this chapter, determine the increased present and future cost to the retirement system of such employee's election. Upon the determination of the amount necessary to offset said increased cost, the *retirement board shall bill the department of personnel for the amount of the increased cost: PROVIDED, That such billing shall not exceed eight hundred sixty-one thousand dollars. Such billing shall be paid by the department as, and the same shall be, a proper charge against any moneys available or appropriated to the department for this purpose.

[1973 2nd ex.s. c 37 § 6.]

Notes:

***Reviser's note:** Powers, duties, and functions of the Washington public employees' retirement board were transferred to the director of retirement systems by RCW 41.40.022, which has been decodified. See Table of Disposition of Former RCW Sections, Volume 0.

RCW 43.130.900 Severability--1973 2nd ex.s. c 37.

If any provision of this 1973 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 2nd ex.s. c 37 § 8.]

RCW 43.130.910 Emergency--Operative dates--Termination of benefits.

This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions and shall take effect immediately: PROVIDED HOWEVER, That each of the provisions of this 1973 act shall be operative and in effect only for employees of those state facilities closed after May 1, 1973 and prior to September 14, 1974: PROVIDED FURTHER, That benefits under section 4(3) of this 1973 act shall be available until September 14, 1975.

[1973 2nd ex.s. c 37 § 9.]

**Chapter 43.131 RCW
WASHINGTON SUNSET ACT OF 1977**

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NOTES:

Termination of tax preferences: Chapter 43.136 RCW.

GENERAL PROVISIONS

RCW 43.131.010 Short title. (*Expires June 30, 2015.*)

This chapter may be known and cited as the Washington Sunset Act.

[1990 c 297 § 1; 1977 ex.s. c 289 § 1.]

RCW 43.131.020 Findings. (*Expires June 30, 2015.*)

The state legislature finds that state entities may fail to deliver services as effectively and efficiently as is expected by the general public and as originally contemplated by the legislature. It further finds that state government actions have produced a substantial increase in numbers of entities, growth of programs, and proliferation of rules, and that the entire process has evolved without sufficient legislative and executive oversight, regulatory accountability, or a system of checks and balances. The legislature further finds that by establishing a system for the termination, continuation, or modification of state entities, coupled with a system of scheduled review of such entities, it will be in a better position to: Evaluate the need for the continued existence of existing and future state entities; assess the effectiveness and performance of agencies, boards, commissions, and programs; and ensure public accountability. The legislature recognizes that the executive branch shares in this duty and responsibility to assure that state government operates in an efficient, orderly, and responsive manner.

[2000 c 189 § 1; 1977 ex.s. c 289 § 2.]

RCW 43.131.030 Definitions. (Expires June 30, 2015.)

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise.

(1) "Entity" includes every state office, department, board, commission, unit or subunit, and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency. "Entity" also includes any part of the Revised Code of Washington scheduled for repeal, expiration, or program termination.

(2) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

[2000 c 189 § 2; 1983 1st ex.s. c 27 § 1; 1977 ex.s. c 289 § 3.]

RCW 43.131.040 Reestablishment of entity scheduled for termination--Review. (Expires June 30, 2015.)

Any state entity scheduled for termination by the processes provided in this chapter may be reestablished by the legislature for a specified period of time or indefinitely. The legislature may again review the state entity in a manner consistent with the provisions of this chapter and reestablish, modify, or consolidate such state entity or allow it to be terminated.

[2000 c 189 § 3; 1983 1st ex.s. c 27 § 2; 1977 ex.s. c 289 § 4.]

RCW 43.131.051 Program and fiscal review--Reports. (Expires June 30, 2015.)

The joint legislative audit and review committee shall conduct a program and fiscal review of any entity scheduled for termination under this chapter. This program and fiscal review shall be completed and a preliminary report prepared during the calendar year prior to the date established for termination. These reports shall be prepared in the manner set forth in RCW 44.28.071 and 44.28.075. Upon completion of its preliminary report, the joint legislative audit and review committee shall transmit copies of the report to the office of financial management and any affected entity. The final report shall include the response, if any, of the affected entity and the office of financial management in the same manner as set forth in RCW 44.28.088, except the affected entity and the office of financial management shall have sixty days to respond to the report. The joint legislative audit and review committee shall transmit the final report to the legislature, to the state entity affected, to the governor, and to the state library.

[2000 c 189 § 4.]

RCW 43.131.061 Sunset termination and review--Performance measures--Minimum period for sunset termination. (Expires June 30, 2015.)

(1) Any entity may be scheduled for sunset termination and review under this chapter by law.

(2) An entity scheduled for sunset termination shall establish performance measures, as required under subsection (3) of this section, and must be evaluated, in part, in terms of the results. The entity has the burden of demonstrating the extent to which performance results have been achieved. The sunset termination legislation shall name a lead entity, if more than one entity is impacted by scheduled termination. The affected entity or lead entity has the responsibility for developing and implementing a data collection plan and submitting the resulting performance information to the joint legislative audit and review committee.

(3) An entity shall develop performance measures and a data collection plan and submit them for review and comment to the joint legislative audit and review committee within one year of the effective date of the legislation establishing the sunset termination.

(4) Unless specified otherwise, sunset terminations under this chapter shall be a minimum of seven years. The joint legislative audit and review committee shall complete its review in the year prior to the date of termination.

[2000 c 189 § 5.]

RCW 43.131.071 Scope of review--Recommendations to the legislature. (*Expires June 30, 2015.*)

(1) In conducting the review of an entity, the joint legislative audit and review committee shall determine the scope and objectives of the review and consider, but not be limited to, the following factors, if applicable:

- (a) The extent to which the entity has complied with legislative intent;
- (b) The extent to which the entity is operating in an efficient and economical manner which results in optimum performance;
- (c) The extent to which the entity is operating in the public interest by controlling costs;
- (d) The extent to which the entity duplicates the activities of other entities or of the private sector;
- (e) The extent to which the entity is meeting the performance measures developed under RCW 43.131.061; and
- (f) The possible impact of the termination or modification of the entity.

(2) After completing the review under subsection (1) of this section, the committee shall make its recommendations to the legislature.

[2000 c 189 § 6.]

RCW 43.131.090 Termination of entity--Procedures--Employee transfers--Property disposition--Funds and moneys--Rules--Contracts. (*Expires June 30, 2015.*)

Unless the legislature specifies a shorter period of time, a terminated entity shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the entity shall not be reduced or otherwise

limited during this period. Unless otherwise provided:

(1) All employees of terminated entities classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the Washington personnel resources board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated entity shall be repealed, without further action by the entity, at the end of the period provided in this section, unless assumed and reaffirmed by the entity assuming the related legal responsibilities of the terminated entity;

(5) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

[2000 c 189 § 7; 1993 c 281 § 54; 1983 1st ex.s. c 27 § 4; 1977 ex.s. c 289 § 9.]

Notes:

Effective date--1993 c 281: See note following RCW 41.06.022.

RCW 43.131.100 Termination of entity--Pending business--Savings. (*Expires June 30, 2015.*)

This chapter shall not affect the right to institute or prosecute any cause of action by or against an entity terminated pursuant to this chapter if the cause of action arose prior to the end of the period provided in RCW 43.131.090. Such causes of action may be instituted, prosecuted, or defended in the name of the state of Washington by the office of the attorney general. Any hearing or other proceeding pending before an entity to be terminated and not completed before the end of the period provided in RCW 43.131.090, may be completed by the entity assuming the responsibilities of the terminated entity.

[2000 c 189 § 8; 1977 ex.s. c 289 § 10.]

RCW 43.131.110 Committees--Reference to include successor. (*Expires June 30, 2015.*)

Any reference in this chapter to a committee of the legislature including the joint legislative audit and review committee shall also refer to the successor of that committee.

[1996 c 288 § 47; 1977 ex.s. c 289 § 11.]

RCW 43.131.130 **Legislature--Powers unaffected by enactment of chapter. (*Expires June 30, 2015.*)**

Nothing in this chapter or RCW 43.06.010 shall prevent the legislature from abolishing or modifying an entity scheduled for termination prior to the entity's established termination date or from abolishing or modifying any other entity.

[2000 c 189 § 9; 1977 ex.s. c 289 § 13.]

RCW 43.131.150 **Termination of entities--Review under Sunset Act. (*Expires June 30, 2015.*)**

The entities scheduled for termination under this chapter shall be subject to all of the processes provided in this chapter.

[2000 c 189 § 10; 1983 1st ex.s. c 27 § 8; 1979 c 99 § 1.]

ENTITIES SCHEDULED FOR SUNSET

RCW 43.131.341 **Washington state commission on Hispanic affairs--Termination.**

The Washington state commission on Hispanic affairs and its powers and duties shall be terminated on June 30, 2021, as provided in RCW 43.131.342.

[1993 c 261 § 5; 1987 c 249 § 8.]

RCW 43.131.342 **Washington state commission on Hispanic affairs--Repeal.**

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2022:

(1) Section 1, chapter 34, Laws of 1971 ex. sess., section 1, chapter 249, Laws of 1987, section 1, chapter 261, Laws of 1993 and RCW 43.115.010;

(2) Section 2, chapter 34, Laws of 1971 ex. sess., section 2, chapter 249, Laws of 1987 and RCW 43.115.020;

(3) Section 3, chapter 34, Laws of 1971 ex. sess., section 130, chapter 34, Laws of 1975-'76 2nd ex. sess., section 15, chapter 338, Laws of 1981, section 3, chapter 249, Laws of 1987, section 2, chapter 261, Laws of 1993, and RCW 43.115.030;

(4) Section 4, chapter 34, Laws of 1971 ex. sess., section 4, chapter 249, Laws of 1987, section 3, chapter 261, Laws of 1993 and RCW 43.115.040;

(5) Section 6, chapter 34, Laws of 1971 ex. sess., section 6, chapter 249, Laws of 1987 and RCW 43.115.060;

(6) Section 7, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.900; and

(7) Section 4, chapter 261, Laws of 1993 and RCW 43.115.045.

[1993 c 261 § 6; 1987 c 249 § 9.]

RCW 43.131.381 Linked deposit program--Termination.

The linked deposit program shall be terminated on June 30, 2003, as provided in RCW 43.131.382.

[2001 c 316 § 1; 1994 c 126 § 2; 1993 c 512 § 35.]

NOTES:

Effective date--2001 c 316: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 15, 2001]." [2001 c 316 § 5.]

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.131.382 Linked deposit program--Repeal.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2004:

- (1) RCW 43.86A.060 and 1993 c 512 § 30;
- (2) RCW 43.63A.690 and 1993 c 512 § 31; and
- (3) RCW 43.86A.070 and 1993 c 512 § 34.

[2001 c 316 § 2; 1994 c 126 § 3; 1993 c 512 § 36.]

NOTES:

Effective date--2001 c 316: See note following RCW 43.131.381.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.131.385 Rural natural resources impact area programs--Termination.

The rural natural resources impact area programs shall be terminated on June 30, 2000, as provided in RCW 43.131.386.

[1997 c 367 § 18; 1995 c 226 § 34.]

NOTES:

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.160.020.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.160.020.

RCW 43.131.386 Rural natural resources impact area programs--Repeal.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.31.601 and 1997 c 367 § 1, 1995 c 226 § 1, 1992 c 21 § 2, & 1991 c 314 § 2;
- (2) RCW 43.31.641 and 1997 c 367 § 6, 1995 c 226 § 4, 1993 c 280 § 50, & 1991 c 314 § 7;
- (3) RCW 50.22.090 and 1997 c 367 § 4;

- (4) RCW 43.63A.021 and 1997 c 367 § 5 & 1995 c 226 § 11;
- (5) RCW 43.63A.600 and 1995 c 226 § 12, 1994 c 114 § 1, 1993 c 280 § 77, & 1991 c 315 § 23;
- (6) RCW 43.63A.440 and 1997 c 367 § 7, 1995 c 226 § 13, 1993 c 280 § 74, & 1989 c 424 § 7;
- (7) RCW 28B.50.258 and 1995 c 226 § 18 & 1991 c 315 § 16;
- (8) RCW 28B.50.262 and 1995 c 226 § 19 & 1994 c 282 § 3;
- (9) RCW 28B.80.570 and 1997 c 367 § 14, 1995 c 226 § 20, 1992 c 21 § 6, & 1991 c 315 § 18;
- (10) RCW 28B.80.575 and 1995 c 269 § 1001, 1995 c 226 § 21, & 1991 c 315 § 19;
- (11) RCW 28B.80.580 and 1997 c 367 § 15, 1995 c 226 § 22, 1993 sp.s. c 18 § 34, 1992 c 231 § 31, & 1991 c 315 § 20;
- (12) RCW 28B.80.585 and 1995 c 226 § 23 & 1991 c 315 § 21;
- (13) RCW 43.17.065 and 1995 c 226 § 24, 1993 c 280 § 37, 1991 c 314 § 28, & 1990 1st ex.s. c 17 § 77;
- (14) RCW 43.20A.750 and 1997 c 367 § 16;
- (15) RCW 43.168.140 and 1995 c 226 § 28 & 1991 c 314 § 20;
- (16) RCW 50.12.270 and 1997 c 367 § 17, 1995 c 226 § 30, & 1991 c 315 § 3;
- (17) RCW 50.70.010 and 1995 c 226 § 31, 1992 c 21 § 1, & 1991 c 315 § 5; and
- (18) RCW 50.70.020 and 1995 c 226 § 32 & 1991 c 315 § 6.

[1999 c 164 § 701; 1997 c 367 § 19; 1996 c 168 § 5; 1995 c 226 § 35.]

NOTES:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.160.020.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.160.020.

RCW 43.131.387 Permit assistance center--Termination.

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in RCW 43.131.388.

[1995 c 347 § 617.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.131.388 Permit assistance center--Repeal.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 90.60.010 and 1995 c 347 § 601;

- (2) RCW 90.60.020 and 1995 c 347 § 602;
- (3) RCW 90.60.030 and 1995 c 347 § 603;
- (4) RCW 90.60.040 and 1995 c 347 § 604;
- (5) RCW 90.60.050 and 1995 c 347 § 605;
- (6) RCW 90.60.060 and 1995 c 347 § 606;
- (7) RCW 90.60.070 and 1995 c 347 § 607;
- (8) RCW 90.60.080 and 1995 c 347 § 608;
- (9) RCW 90.60.090 and 1995 c 347 § 609;
- (10) RCW 90.60.100 and 1995 c 347 § 610;
- (11) RCW 90.60.110 and 1995 c 347 § 611;
- (12) RCW 90.60.120 and 1995 c 347 § 612;
- (13) RCW 90.60.130 and 1995 c 347 § 613;
- (14) RCW 90.60.140 and 1995 c 347 § 614;
- (15) RCW 90.60.150 and 1995 c 347 § 615; and
- (16) RCW 90.60.800 and 1995 c 347 § 616.

[1995 c 347 § 618.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.131.389 Office of public defense--Termination.

The office of public defense and its powers and duties shall be terminated on June 30, 2008, as provided in RCW 43.131.390.

[1998 c 108 § 2; 1996 c 221 § 7.]

RCW 43.131.390 Office of public defense--Repeal.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2009:

- (1) RCW 2.70.005 and 1996 c 221 § 1;
- (2) RCW 2.70.010 and 1996 c 221 § 2;
- (3) RCW 2.70.020 and 1996 c 221 § 3;
- (4) RCW 2.70.030 and 1996 c 221 § 4; and
- (5) RCW 2.70.040 and 1996 c 221 § 5.

[1998 c 108 § 3; 1996 c 221 § 8.]

RCW 43.131.393 Underground storage tank program--Termination.

The underground storage tank program shall be terminated on July 1, 2009, as provided in RCW 43.131.394.

[1998 c 155 § 7.]

RCW 43.131.394 Underground storage tank program--Repeal.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2010:

- (1) RCW 90.76.005 and 1989 c 346 § 1;
- (2) RCW 90.76.010 and 1998 c 155 § 1 & 1989 c 346 § 2;
- (3) RCW 90.76.020 and 1998 c 155 § 2 & 1989 c 346 § 3;
- (4) RCW 90.76.040 and 1998 c 155 § 3 & 1989 c 346 § 5;
- (5) RCW 90.76.050 and 1998 c 155 § 4 & 1989 c 346 § 6;
- (6) RCW 90.76.060 and 1998 c 155 § 5 & 1989 c 346 § 7;
- (7) RCW 90.76.070 and 1989 c 346 § 8;
- (8) RCW 90.76.080 and 1995 c 403 § 639 & 1989 c 346 § 9;
- (9) RCW 90.76.090 and 1998 c 155 § 6 & 1989 c 346 § 10;
- (10) RCW 90.76.100 and 1991 sp.s. c 13 § 72 & 1989 c 346 § 11;
- (11) RCW 90.76.110 and 1991 c 83 § 1 & 1989 c 346 § 12;
- (12) RCW 90.76.120 and 1989 c 346 § 13;
- (13) RCW 90.76.900 and 1989 c 346 § 15;
- (14) RCW 90.76.901 and 1989 c 346 § 14; and
- (15) RCW 90.76.902 and 1989 c 346 § 18.

[1998 c 155 § 8.]

RCW 43.131.397 Intermediate driver's license program--Review.

The intermediate driver's license program created by chapter 115, Laws of 2000 shall be reviewed under this chapter before June 30, 2008. The department of licensing, in cooperation with the Washington traffic safety commission, shall provide the information necessary for the joint legislative audit and review committee to provide the required review.

[2000 c 115 § 12.]

Notes:

Finding--2000 c 115: See note following RCW 46.20.075.

RCW 43.131.398 Intermediate driver's license program--Repeal.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2009:

- (1) 2000 c 115 § 1 (uncodified);
- (2) *RCW 42.20.075 and 2000 c 115 § 2;
- (3) RCW 46.20.267 and 2000 c 115 § 3;
- (4) The amendment of RCW 46.20.105 by 2000 c 115 § 5;

- (5) The amendment of RCW 46.20.161 by 2000 c 115 § 6;
- (6) The amendment of RCW 46.20.311 by 2000 c 115 § 7;
- (7) The amendment of RCW 46.20.342 by 2000 c 115 § 8; and
- (8) RCW 28A.220.070 and 2000 c 115 § 11.

[2000 c 115 § 13.]

NOTES:

***Reviser's note:** 2000 c 115 § 2 was actually codified as RCW 46.20.075.

Finding--2000 c 115: See note following RCW 46.20.075.

RCW 43.131.400 Program review--Rangeland damage.

The joint legislative audit and review committee must conduct a program review, as provided in this chapter, of the program to reimburse landowners for damage to rangeland used for grazing or browsing of domestic livestock caused by deer and elk, established in sections 1 through 3, chapter 274, Laws of 2001. The review must be completed by January 1, 2004.

[2001 c 274 § 4.]

NOTES:

Effective date--2001 c 274: See note following RCW 77.36.005.

RCW 43.131.900 Expiration of RCW 43.131.010 through 43.131.150--Exception.

RCW 43.131.010 through 43.131.150 shall expire on June 30, 2015, unless extended by law for an additional fixed period of time.

[2000 c 189 § 12; 1988 c 17 § 2; 1982 c 223 § 16; 1979 c 22 § 3; 1977 ex.s. c 289 § 16.]

RCW 43.131.901 Severability--1977 ex.s. c 289.

If any provision of this 1977 amendatory act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the 1977 amendatory act which can be given effect without the invalid provision or application, and to this end the provisions of this 1977 amendatory act are declared severable.

[1977 ex.s. c 289 § 18.]

RCW 43.131.910 Severability--1979 c 99.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 c 99 § 90.]

RCW 43.131.911 Severability--2000 c 189.

If any provision of this act or its application to any person or circumstance is held

invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[2000 c 189 § 13.]

Chapter 43.132 RCW

FISCAL IMPACT OF PROPOSED LEGISLATION ON POLITICAL SUBDIVISIONS

Sections

| | |
|------------|--|
| 43.132.010 | Intent. |
| 43.132.020 | Fiscal notes--Preparation--Contents--Scope--Revisions--Reports. |
| 43.132.030 | Designation of department of community, trade, and economic development to prepare fiscal notes--Cooperation of state agencies, legislative staffs, and local government associations. |
| 43.132.040 | Fiscal notes--Transmission of copies to designated recipients. |
| 43.132.050 | Fiscal notes--Transmission of copies upon request. |
| 43.132.055 | Fiscal notes--Expenditures by local government--Fiscal responsibility. |
| 43.132.060 | Legislative action upon or validity of measures not affected. |
| 43.132.800 | Fiscal impact on local governments of selected laws enacted over five-year period--Annual report. |
| 43.132.810 | Local government fiscal notes--Fiscal impact of selected laws on local governments--Biennial report. |

Notes:

Legislative fiscal notes: Chapter 43.88A RCW.

RCW 43.132.010 Intent.

It is the intent of this chapter to create a uniform and coordinated procedure to determine the fiscal impact of proposed legislation on units of local government.

[1977 ex.s. c 19 § 1.]

RCW 43.132.020 Fiscal notes--Preparation--Contents--Scope--Revisions--Reports.

The director of financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other units of local government. The office of financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a "fiscal note".

Such fiscal notes shall indicate by fiscal year the total impact on the local governments involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other

units of local government.

A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A request for a fiscal note on legislation shall be considered to be a continuing request for a fiscal note on any formal alteration of the legislation in the form of amendments to the legislation that are adopted by a committee or a house of the legislature or a substitute version of such legislation that is adopted by a committee and preparation of the fiscal note on the prior version of the legislation shall stop, unless the legislator requesting the fiscal note specifies otherwise or the altered version is first adopted or enacted in the last week of a legislative session.

Fiscal notes shall be completed within one week of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within one week of a request, a daily report shall be prepared for the requesting legislator by the director of financial management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of community, trade, and economic development, the daily report shall also include the date and time such referral was made.

[2000 c 182 § 2; 1995 c 399 § 79; 1984 c 125 § 16; 1979 c 151 § 149; 1977 ex.s. c 19 § 2.]

Notes:

Intent--2000 c 182: "It is the intent of the legislature to enhance the local government fiscal note process by providing for updated fiscal information on pending legislation and to establish a process for a more comprehensive report on the fiscal impacts to local governments arising from laws that have been enacted. Further, it is the intent of the legislature that the varying effects of legislation on different local governments be recognized. This act is enacted in recognition of the responsibilities imposed by RCW 43.135.060." [2000 c 182 § 1.]

Severability--Headings--Effective date--1984 c 125: See RCW 43.63A.901 through 43.63A.903.

RCW 43.132.030 Designation of department of community, trade, and economic development to prepare fiscal notes--Cooperation of state agencies, legislative staffs, and local government associations.

The director of financial management is hereby empowered to designate the director of community, trade, and economic development as the official responsible for the preparation of fiscal notes authorized and required by this chapter. It is the intent of the legislature that when necessary the resources of other state agencies, appropriate legislative staffs, and the various associations of local government may be employed in the development of such fiscal notes.

[1995 c 399 § 80; 1985 c 6 § 10; 1979 c 151 § 150; 1977 ex.s. c 19 § 3.]

RCW 43.132.040 Fiscal notes--Transmission of copies to designated recipients.

When a fiscal note is prepared and approved as to form and completeness by the director of financial management, the director shall transmit copies immediately to:

- (1) The requesting legislator;
- (2) With respect to proposed legislation held by the senate, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairperson of the ways

and means committee or equivalent committees with jurisdiction over matters normally considered by a ways and means committee, the chairperson of the local government committee or equivalent committee that considers local government matters, and the secretary of the senate; and

(3) With respect to proposed legislation held by the house of representatives, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairpersons of the ways and means committee or equivalent committees with jurisdiction over matters normally considered by a ways and means committee, the chairperson of the local government committee or equivalent committee that considers local government matters, and the chief clerk of the house of representatives.

[2000 c 182 § 3; 1986 c 158 § 18; 1979 c 151 § 151; 1977 ex.s. c 19 § 4.]

Notes:

Intent--2000 c 182: See note following RCW 43.132.020.

RCW 43.132.050 Fiscal notes--Transmission of copies upon request.

The office of financial management may make additional copies of the fiscal note available to members of the legislature and others on request.

At the request of any member of the senate or house of representatives, whichever is considering the proposed legislation, and unless it is prohibited by the rules of the body, copies of the fiscal note or a synopsis thereof shall be placed on the members' desks at the time the proposed legislation takes its place on the second reading calendar.

Whenever proposed legislation accompanied by such a fiscal note is passed by either the senate or the house of representatives, the fiscal note shall be transmitted with the bill to the other house.

[1986 c 158 § 19; 1979 c 151 § 152; 1977 ex.s. c 19 § 5.]

RCW 43.132.055 Fiscal notes--Expenditures by local government--Fiscal responsibility.

When the fiscal note indicates that a bill or resolution would require expenditures of funds by a county, city, town, or other unit of local government, the legislature shall determine the state's fiscal responsibility and shall make every effort to appropriate the funds or provide the revenue generating authority necessary to implement the legislation during the ensuing biennium.

[1979 ex.s. c 112 § 2.]

RCW 43.132.060 Legislative action upon or validity of measures not affected.

(1) Nothing in this chapter shall prevent either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules of the senate and house of representatives, nor shall the lack of any fiscal note as provided

in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

(2) Subsection (1) of this section shall not alter the responsibilities of RCW 43.135.060.

[2000 c 182 § 4; 1977 ex.s. c 19 § 6.]

Notes:

Intent--2000 c 182: See note following RCW 43.132.020.

RCW 43.132.800 Fiscal impact on local governments of selected laws enacted over five-year period--Annual report.

(1) The office of financial management, in consultation with the department of community, trade, and economic development, shall annually prepare a report on the fiscal impacts to counties, cities, towns, and other units of local governments, arising from selected laws enacted in the preceding five-year period. The office of financial management, in consultation with the department of community, trade, and economic development, shall annually select up to five laws to include within this report from a recommended list of laws approved by the legislature. The office of financial management, in consultation with the department of community, trade, and economic development, may select up to five laws to include within this report if the legislature does not approve a recommended list.

(2) The preparation of the reports required in subsection (1) of this section is subject to available funding.

[2000 c 182 § 5.]

Notes:

Intent--2000 c 182: See note following RCW 43.132.020.

RCW 43.132.810 Local government fiscal notes--Fiscal impact of selected laws on local governments--Biennial report.

The office of financial management, in consultation with the department of community, trade, and economic development, shall prepare a report for the legislature on or before December 31st of every even-numbered year on local government fiscal notes, and reports on the fiscal impacts on local governments arising from selected laws, that were prepared over the preceding two-year period.

[2000 c 182 § 6.]

Notes:

Intent--2000 c 182: See note following RCW 43.132.020.

Chapter 43.133 RCW

WASHINGTON SUNRISE ACT

Sections

| | |
|------------|--|
| 43.133.010 | Legislative declaration. |
| 43.133.020 | Definitions. |
| 43.133.030 | Sunrise notes--Procedure. |
| 43.133.040 | Sunrise notes--Contents. |
| 43.133.050 | Sunrise notes--Preparation. |
| 43.133.060 | Sunrise notes--Filing. |
| 43.133.070 | Forwarding of notification and sunrise note to committees when standing committee votes out bill creating board or special purpose district. |
| 43.133.080 | Effect of chapter on validity of legislative action. |
| 43.133.900 | Short title. |

RCW 43.133.010 Legislative declaration.

Because of the proliferation of boards and special purpose districts, the legislature recognizes the necessity of developing a uniform and coordinated procedure for determining the need for these new units of government.

[1987 c 342 § 1.]

RCW 43.133.020 Definitions.

(1) For purposes of this chapter, "special purpose district" means any unit of local government other than a city, town, county, or school district.

(2) For purposes of this chapter, "board" means a board, commission, council, committee or task force.

[1987 c 342 § 2.]

RCW 43.133.030 Sunrise notes--Procedure.

The office of financial management and the department of community, trade, and economic development shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of sunrise notes on the expected impact of bills and resolutions that authorize the creation of new boards and new types of special purpose districts.

[1995 c 399 § 81; 1987 c 342 § 3.]

RCW 43.133.040 Sunrise notes--Contents.

Sunrise notes shall include:

- (1) The purpose and expected impact of the new board or special purpose district;
- (2) The powers and duties of the new board or special purpose district;

(3) The direct or potential duplication of the powers and duties of existing boards or special purpose districts; and

(4) Other information relevant to the need for the new board or special purpose district.

[1987 c 342 § 4.]

RCW 43.133.050 Sunrise notes--Preparation.

(1) The office of financial management shall prepare sunrise notes for legislation concerning the creation of new boards. The department of community, trade, and economic development shall prepare sunrise notes for legislation creating new types of special purpose districts.

(2) A sunrise note shall be prepared for all executive and agency request legislation that creates a board or special purpose district.

(3) The office of financial management or the department of community, trade, and economic development shall also provide a sunrise note at the request of any committee of the legislature.

[1995 c 399 § 82; 1987 c 342 § 5.]

RCW 43.133.060 Sunrise notes--Filing.

Sunrise notes shall be filed with:

(1) The committee to which the bill or resolution was referred upon introduction in the house of origin;

(2) The senate committee on ways and means or its successor;

(3) The house of representatives committee on ways and means or its successor;

(4) The senate governmental operations committee or its successor; and

(5) The house of representatives state government committee or its successor.

[1987 c 342 § 6.]

RCW 43.133.070 Forwarding of notification and sunrise note to committees when standing committee votes out bill creating board or special purpose district.

Legislative standing committees shall forward notification and the sunrise note, if available, to the senate or house of representatives ways and means committee and the senate governmental operations committee or the house of representatives state government committee whenever a bill providing for the creation of a new board or special purpose district is voted out of the standing committee.

[1987 c 342 § 7.]

RCW 43.133.080 Effect of chapter on validity of legislative action.

Nothing in this chapter prevents either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any sunrise note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

[1987 c 342 § 8.]

RCW 43.133.900 Short title.

This chapter shall be known as the Washington sunrise act.

[1987 c 342 § 9.]

**Chapter 43.135 RCW
STATE EXPENDITURES LIMITATIONS**

(Formerly: Tax revenue limitations)

Sections

| | |
|------------|--|
| 43.135.010 | Findings--Intent. |
| 43.135.025 | General fund expenditure limit--Computation--Annual limit adjustment--Definitions--Emergency exception--State treasurer duty, penalty--State expenditure limit committee. |
| 43.135.035 | Tax legislation--Conditions and restrictions--Ballot title--Declarations of emergency--Taxes on intangible property--Expenditure limit to reflect program cost shifting or fund transfer. |
| 43.135.045 | Emergency reserve fund--Excess balance to education construction fund--Appropriation conditions--Transfer of earnings to multimodal transportation account (<i>as amended by 2000 2nd sp.s. c 5 and 2000 2nd sp.s. c 2</i>). |
| 43.135.045 | Emergency reserve fund--Excess balance to education construction fund--Appropriation conditions--Transfer of earnings to multimodal transportation account (<i>as amended by 2001 c 3 (Initiative Measure No. 728)</i>). |
| 43.135.051 | Emergency reserve fund--State investment board authority to invest or manage. |
| 43.135.055 | Fee increase restriction--Exception. |
| 43.135.060 | Prohibition of new or extended programs without full reimbursement--Transfer of programs--Determination of costs. |
| 43.135.080 | Reenactment and reaffirmation of Initiative Measure No. 601--Continued limitations--Exceptions. |
| 43.135.902 | Short title--1994 c 2. |
| 43.135.903 | Severability--1994 c 2. |
| 43.135.904 | Effective dates--1994 c 2. |

RCW 43.135.010 Findings--Intent.

The people of the state of Washington hereby find and declare:

(1) The continuing increases in our state tax burden and the corresponding growth of state government is contrary to the interest of the people of the state of Washington.

(2) It is necessary to limit the rate of growth of state government while assuring adequate funding of essential services, including basic education as defined by the legislature.

(3) The current budgetary system in the state of Washington lacks stability. The system encourages crisis budgeting and results in cutbacks during lean years and overspending during surplus years.

(4) It is therefore the intent of this chapter to:

(a) Establish a limit on state expenditures that will assure that the growth rate of state expenditures does not exceed the growth rate of inflation and state population;

(b) Assure that local governments are provided funds adequate to render those services deemed essential by their citizens;

(c) Assure that the state does not impose responsibility on local governments for new programs or increased levels of service under existing programs unless the costs thereof are paid by the state;

(d) Provide for adjustment of the limit when costs of a program are transferred between the state and another political entity;

(e) Establish a procedure for exceeding this limit in emergency situations;

(f) Provide for voter approval of tax increases; and

(g) Avoid overfunding and underfunding state programs by providing stability, consistency, and long-range planning.

[1994 c 2 § 1 (Initiative Measure No. 601, approved November 2, 1993); 1980 c 1 § 1 (Initiative Measure No. 62, approved November 6, 1979).]

RCW 43.135.025 General fund expenditure limit--Computation--Annual limit adjustment--Definitions--Emergency exception--State treasurer duty, penalty--State expenditure limit committee.

(1) The state shall not expend from the general fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW 43.135.035 or pursuant to an appropriation under RCW 43.135.045(4)(b), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 1995, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund, not including federal funds, for the fiscal year beginning July 1, 1989, plus the fiscal growth factor. This calculation is then computed for the state expenditure limit for fiscal years 1992, 1993, 1994, and 1995, and as required under RCW 43.135.035(4).

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state

expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least three members.

(6) Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

(7) "Fiscal growth factor" means the average of the sum of inflation and population change for each of the prior three fiscal years.

(8) "Inflation" means the percentage change in the implicit price deflator for the United States for each fiscal year as published by the federal bureau of labor statistics.

(9) "Population change" means the percentage change in state population for each fiscal year as reported by the office of financial management.

[2000 2nd sp.s. c 2 § 1; 1994 c 2 § 2 (Initiative Measure No. 601, approved November 2, 1993).]

Notes:

Effective date--2000 2nd sp.s. c 2: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2000." [2000 2nd sp.s. c 2 § 4.]

RCW 43.135.035 Tax legislation--Conditions and restrictions--Ballot title--Declarations of emergency--Taxes on intangible property--Expenditure limit to reflect program cost shifting or fund transfer.

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The office of financial management shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken after July 1, 2000, that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function is shifted to the state general fund on or after January 1, 2000, from another source of funding, or if moneys are transferred to the state general fund from another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

[2001 c 3 § 8 (Initiative Measure No. 728, approved November 7, 2000); 2000 2nd sp.s. c 2 § 2; 1994 c 2 § 4 (Initiative Measure No. 601, approved November 2, 1993).]

NOTES:

Reviser's note: This section was amended by 2001 c 3 § 8 (Initiative Measure No. 728) without cognizance of its amendment by 2000 2nd sp.s. c 2 § 2. All amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Short title--Purpose--Intent--Construction--Severability--Effective dates--2001 c 3 (Initiative Measure No. 728): See notes following RCW 28A.505.210.

Effective date--2000 2nd sp.s. c 2: See note following RCW 43.135.025.

RCW 43.135.045 Emergency reserve fund--Excess balance to education construction fund--Appropriation conditions--Transfer of earnings to multimodal transportation

account (as amended by 2000 2nd sp.s. c 5 and 2000 2nd sp.s. c 2).

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer to the education construction fund hereby created in the treasury. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter.

(4)(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

[2000 2nd sp.s. c 5 § 1; 2000 2nd sp.s. c 2 § 3; 1994 c 2 § 3 (Initiative Measure No. 601, approved November 2, 1993).]

NOTES:

Reviser's note: This section was amended by 2000 2nd sp.s. c 2 § 3 and by 2000 2nd sp.s. c 5 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW

1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--2000 2nd sp.s. c 2: See note following RCW 43.135.025.

RCW 43.135.045 Emergency reserve fund--Excess balance to education construction fund--Appropriation conditions--Transfer of earnings to multimodal transportation account (as amended by 2001 c 3 (Initiative Measure No. 728)).

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of ~~((biennial))~~ annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer ~~((to the education construction fund hereby created in the treasury))~~ as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

[2001 c 3 § 9 (Initiative Measure No. 728, approved November 7, 2000); 1994 c 2 § 3 (Initiative Measure No. 601, approved November 2, 1993).]

NOTES:

Reviser's note: This section was amended by 2001 c 3 § 9 (Initiative Measure No. 728) without cognizance of its amendment by 2000 2nd sp.s. c 5 § 1 and by 2000 2nd sp.s. c 2 § 3. For rule of construction, see RCW 1.12.025.

Short title--Purpose--Intent--Construction--Severability--Effective dates--2001 c 3 (Initiative Measure No. 728): See notes following RCW 28A.505.210.

RCW 43.135.051 Emergency reserve fund--State investment board authority to invest or manage.

(1) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment moneys in the emergency reserve fund. All investment and operating costs associated with the investment of money shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the fund.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policies established by the state investment board.

(3) As deemed appropriate by the state investment board, moneys in the fund may be commingled for investment with other funds subject to investment by the board.

[1999 c 288 § 1.]

Notes:

Effective date--1999 c 288: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999." [1999 c 288 § 3.]

RCW 43.135.055 Fee increase restriction--Exception.

(1) No fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval.

(2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW, or to the forest products commission, if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments.

[2001 c 314 § 19; 1997 c 303 § 2; 1994 c 2 § 8 (Initiative Measure No. 601, approved November 2, 1993).]

NOTES:

Findings--Construction--Severability--2001 c 314: See RCW 15.100.010, 15.100.900, and 15.100.901.

Findings--1997 c 303: "The legislature finds that Initiative Measure No. 601, adopted by the people of the state of Washington, limits fee increases by requiring that any increases in fees beyond the levels expressly allowed under the initiative receive the prior approval of the legislature. The legislature finds that a more direct system of allowing the people to control fee increases predates Initiative Measure No. 601. This system developed in agricultural communities and provides these communities with direct control of the fees of the agricultural commodity commissions they created to serve them. The system requires those who pay the assessments levied by commodity commissions and boards to approve of assessment increases by referendum. It is at the heart of the

statutes and marketing orders and agreements under which agricultural commodity commissions and boards are created. The legislature does not believe that the adoption of Initiative Measure No. 601 was intended to dilute in any manner this more direct control held by the people governed by commodity commissions or boards over the fees they pay in the form of such assessments. Therefore, the legislature defers to this more direct control of these assessments so long as the authority to approve or disapprove of increases in these assessments is by referendum held directly by those who pay them." [1997 c 303 § 1.]

Effective date--1997 c 303 §§ 1-3: "Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 9, 1997]." [1997 c 303 § 9.]

RCW 43.135.060 Prohibition of new or extended programs without full reimbursement--Transfer of programs--Determination of costs.

(1) After July 1, 1995, the legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any political subdivision of the state unless the subdivision is fully reimbursed by the state for the costs of the new programs or increases in service levels. Reimbursement by the state may be made by: (a) A specific appropriation; or (b) increases in state distributions of revenue to political subdivisions occurring after January 1, 1998.

(2) If by order of any court, or legislative enactment, the costs of a federal or local government program are transferred to or from the state, the otherwise applicable state expenditure limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(3) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any political subdivision or transferred to or from the state.

(4) Subsection (1) of this section does not apply to the costs incurred for voting devices or machines under RCW 29.04.200.

[1998 c 321 § 15 (Referendum Bill No. 49, approved November 3, 1998); 1994 c 2 § 5 (Initiative Measure No. 601, approved November 2, 1993); 1990 2nd ex.s. c 1 § 601; 1990 c 184 § 2; 1980 c 1 § 6 (Initiative Measure No. 62, approved November 6, 1979).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Local government reimbursement claims: RCW 4.92.280.

RCW 43.135.080 Reenactment and reaffirmation of Initiative Measure No. 601--Continued limitations--Exceptions.

(1) Initiative Measure No. 601 (chapter 43.135 RCW, as amended by chapter 321, Laws of 1998 and the amendatory changes enacted by section 6, chapter 2, Laws of 1994) is hereby reenacted and reaffirmed. The legislature also adopts chapter 321, Laws of 1998 to continue the general fund revenue and expenditure limitations contained in this chapter 43.135 RCW after

this one-time transfer of funds.

(2) RCW 43.135.035(4) does not apply to sections 5 through 13, chapter 321, Laws of 1998.

[1998 c 321 § 14 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

RCW 43.135.902 Short title--1994 c 2.

This chapter may be known and cited as the taxpayer protection act.

[1994 c 2 § 10 (Initiative Measure No. 601, approved November 2, 1993).]

RCW 43.135.903 Severability--1994 c 2.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1994 c 2 § 12 (Initiative Measure No. 601, approved November 2, 1993).]

RCW 43.135.904 Effective dates--1994 c 2.

(1) Sections 8 and 13 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [December 2, 1993].

(2) Sections 1 through 7 and 9 through 12 of this act shall take effect July 1, 1995.

[1994 c 2 § 14 (Initiative Measure No. 601, approved November 2, 1993).]

**Chapter 43.136 RCW
TERMINATION OF TAX PREFERENCES**

Sections

| | |
|------------|---|
| 43.136.010 | Legislative findings--Intent. |
| 43.136.020 | "Tax preference" defined. |
| 43.136.030 | Legislative budget committee and department of revenue--Review of tax preferences--Reports. |
| 43.136.040 | Legislative budget committee review of tax preferences--Factors for consideration. |
| 43.136.050 | Powers and duties of ways and means committees. |
| 43.136.070 | Report on existing tax preferences to be provided--Additional information to be provided. |

Notes:

Listing of reduction in revenues from tax exemptions to be submitted to legislature by department of revenue--Periodic review and submission of recommendations to legislature by governor: RCW

43.06.400.

RCW 43.136.010 Legislative findings--Intent.

The legislature recognizes that tax preferences are enacted by the legislature to meet objectives which are determined to be in the public interest. The legislature finds, however, that some tax preferences may not be efficient or equitable tools for the achievement of current legislative objectives. The legislature finds that unless it can be demonstrated that the public interest is served by the continued existence of tax preferences, they should be terminated or modified. The legislature further finds that periodic evaluations of tax preferences are needed to determine if their continued existence is in the public interest.

It is the intent of the legislature to establish a mechanism for scheduling periodic evaluations of tax preferences together with a system for their termination, continuation, or modification. By this mechanism, the legislature intends to ensure that thorough periodic evaluations are made and that those tax preferences which do not continue to serve the public interest are terminated or modified.

[1982 1st ex.s. c 35 § 39.]

Notes:

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.020 "Tax preference" defined.

As used in this chapter, "tax preference" means an exemption, exclusion, or deduction from the base of a state tax; a credit against a state tax; a deferral of a state tax; or a preferential state tax rate.

[1982 1st ex.s. c 35 § 40.]

Notes:

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.030 *Legislative budget committee and department of revenue--Review of tax preferences--Reports.

The *legislative budget committee shall review each tax preference for termination by the processes provided in this chapter. The review shall be completed and a report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its report, the *legislative budget committee shall transmit copies of the report to the department of revenue. The department of revenue may then conduct its own review of the tax preference scheduled for termination and shall prepare a report on or before September 30th of the year prior to the date established for termination. Upon completion of its report the department of revenue shall transmit copies of its report to the *legislative budget committee. The *legislative

budget committee shall prepare a final report that includes the reports of both the department of revenue and the *legislative budget committee. The *legislative budget committee and the department of revenue shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The *legislative budget committee shall transmit the final report to all members of the legislature, to the governor, and to the state library.

[1982 1st ex.s. c 35 § 41.]

Notes:

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 § 3.

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.040 *Legislative budget committee review of tax preferences--Factors for consideration.

In reviewing a tax preference, the *legislative budget committee shall develop information needed by the legislature to determine if the tax preference should be terminated as scheduled, modified, or reestablished without modification. The *legislative budget committee shall consider, but not be limited to, the following factors in the review.

(1) The persons or organizations whose state tax liabilities are directly affected by the tax preference.

(2) Legislative objectives that might provide a justification for the tax preference.

(3) Evidence that the existence of the tax preference has contributed to the achievement of any of the objectives identified in subsection (2) of this section.

(4) The extent to which continuation of the tax preference beyond its scheduled termination date might contribute to any of the objectives identified in subsection (2) of this section.

(5) Fiscal impacts of the tax preference, including past impacts and expected future impacts if it is not terminated as scheduled.

(6) The extent to which termination of the tax preference would affect the distribution of liability for payment of state taxes.

[1982 1st ex.s. c 35 § 42.]

Notes:

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 § 3.

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.050 Powers and duties of ways and means committees.

(1) Following receipt of the final report from the *legislative budget committee, the ways and means committees of the house of representatives and the senate shall jointly hold a public

hearing to consider the final report and any related data. The committees shall also receive testimony from the governor, or the governor's designee, and other interested parties, including the general public.

(2) Following the joint hearing, the committees may separately hold additional meetings or hearings to come to a final determination as to whether a continuation, modification, or termination of a tax preference is in the public interest. If a committee determines that a tax preference should be continued or modified, it shall make the determination as a bill. No more than one tax preference shall be reestablished or modified in any one bill.

[1982 1st ex.s. c 35 § 43.]

Notes:

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 § 3.

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.070 Report on existing tax preferences to be provided--Additional information to be provided.

On or before September 30, 1982, the department of revenue shall provide the *select joint committee with a report on existing tax preferences. The report shall include a list of tax preferences and a description of each one. Upon request of the *select joint committee, the department of revenue shall provide additional information needed by the *select joint committee to meet its responsibilities under this chapter.

[1982 1st ex.s. c 35 § 45.]

Notes:

***Reviser's note:** RCW 43.115.050, which created the select joint committee, was repealed by 1993 c 142 § 1.

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

**Chapter 43.140 RCW
GEOTHERMAL ENERGY**

Sections

| | |
|------------|---|
| 43.140.010 | Purpose. |
| 43.140.020 | Definitions. |
| 43.140.030 | Geothermal account--Deposit of revenues. |
| 43.140.040 | Geothermal account--Limitations on distributions. |
| 43.140.050 | Distribution of funds to county of origin. |
| 43.140.060 | Appropriation for exploration and assessment of geothermal energy--Reimbursement. |
| 43.140.900 | Termination of chapter. |

Notes:

Geothermal resources: RCW 79.12.095.

RCW 43.140.010 Purpose.

The purpose of this chapter is to provide for the allocation of revenues distributed to the state under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et. seq.) in order to accomplish the following general objectives:

(1) Reduction of dependence on nonrenewable energy and stimulation of the state's economy through development of geothermal energy.

(2) Mitigation of the social, economic, and environmental impacts of geothermal development.

(3) Financial assistance to counties to offset the costs of providing public services and facilities necessitated by the development of geothermal resources within their jurisdictions.

(4) Maintenance of the productivity of renewable resources through the investment of proceeds from these resources.

[1981 c 158 § 1.]

RCW 43.140.020 Definitions.

As used in this chapter:

(1) "County of origin" means any county in which the United States bureau of land management has leased lands for geothermal development.

(2) "Geothermal energy" means the natural heat of the earth and the medium by which this heat is extracted from the earth, including liquids or gases, as well as any minerals contained in any natural or injected fluids, brines, and associated gas but excluding oil, hydrocarbon gas, and other hydrocarbon substances.

[1981 c 158 § 2.]

RCW 43.140.030 Geothermal account--Deposit of revenues.

There is created the geothermal account in the state treasury. All expenditures from this account are subject to appropriation and chapter 43.88 RCW.

All revenues received by the state treasurer under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et. seq.) shall be deposited in the geothermal account in the state treasury immediately upon receipt.

[1991 sp.s. c 13 § 7; 1985 c 57 § 58; 1981 c 158 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.140.040 Geothermal account--Limitations on distributions.

Distribution of funds from the geothermal account of the general fund shall be subject to the following limitations:

(1) Thirty percent to the department of natural resources for geothermal exploration and assessment;

(2) Thirty percent to Washington State University or its statutory successor for the purpose of encouraging the development of geothermal energy; and

(3) Forty percent to the county of origin for mitigating impacts caused by geothermal energy exploration, assessment, and development.

[1996 c 186 § 510; 1981 c 158 § 4.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

RCW 43.140.050 Distribution of funds to county of origin.

The state treasurer shall be responsible for distribution of funds to the county of origin. Each county's share of rentals and royalties from a lease including lands in more than one county shall be computed on the basis of the ratio that the acreage within each county has to the total acreage in the lease. Washington State University shall obtain the necessary information to make the distribution of funds on such a basis.

[1996 c 186 § 511; 1996 c 186 § 107; 1981 c 158 § 5.]

Notes:

Reviser's note: This section was amended by 1996 c 186 § 107 and by 1996 c 186 § 511, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

RCW 43.140.060 Appropriation for exploration and assessment of geothermal energy--Reimbursement.

The legislature hereby appropriates one hundred forty-eight thousand dollars from the general fund of the state treasury to the department of natural resources for the purpose of exploration and assessment of geothermal energy within the state of Washington. The department of natural resources shall reimburse the general fund from its share of the revenues credited to the geothermal account up to one hundred forty-eight thousand dollars. Geothermal Steam Act revenues credited to the department's share of the geothermal account in excess of one hundred forty-eight thousand dollars shall be expended by the department of natural resources for the purpose of exploration and assessment of geothermal energy within the state of Washington.

[1981 c 158 § 7.]

RCW 43.140.900 Termination of chapter.

This chapter shall terminate on June 30, 2011.

[2001 c 215 § 1; 1991 c 76 § 1; 1981 c 158 § 8.]

NOTES:

Effective date--2001 c 215: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 8, 2001]." [2001 c 215 § 2.]

**Chapter 43.143 RCW
OCEAN RESOURCES MANAGEMENT ACT**

Sections

| | |
|------------|--|
| 43.143.005 | Legislative findings. |
| 43.143.010 | Legislative policy and intent--Moratorium on leases for oil and gas exploration, development, or production--Appeals from regulation of recreational uses--Participation in federal ocean and marine resource decisions. |
| 43.143.020 | Definitions. |
| 43.143.030 | Planning and project review criteria. |
| 43.143.900 | Captions not law. |
| 43.143.901 | Short title. |
| 43.143.902 | Severability--1989 1st ex.s. c 2. |

Notes:

Oil or gas exploration in marine waters: RCW 90.58.550.

Transport of petroleum products or hazardous substances: Chapter 88.40 RCW.

RCW 43.143.005 Legislative findings.

(1) Washington's coastal waters, seabed, and shorelines are among the most valuable and fragile of its natural resources.

(2) Ocean and marine-based industries and activities, such as fishing, aquaculture, tourism, and marine transportation have played a major role in the history of the state and will continue to be important in the future.

(3) Washington's coastal waters, seabed, and shorelines are faced with conflicting use demands. Some uses may pose unacceptable environmental or social risks at certain times.

(4) The state of Washington has primary jurisdiction over the management of coastal and ocean natural resources within three miles of its coastline. From three miles seaward to the boundary of the two hundred mile exclusive economic zone, the United States federal government has primary jurisdiction. Since protection, conservation, and development of the natural resources in the exclusive economic zone directly affect Washington's economy and

environment, the state has an inherent interest in how these resources are managed.

[1997 c 152 § 1; 1989 1st ex.s. c 2 § 8.]

RCW 43.143.010 Legislative policy and intent--Moratorium on leases for oil and gas exploration, development, or production--Appeals from regulation of recreational uses--Participation in federal ocean and marine resource decisions.

(1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in RCW 43.143.030. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of RCW 43.143.030. If information becomes available which indicates that such uses should reasonably be covered by the requirements of RCW 43.143.030, the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources.

[1997 c 152 § 2; 1995 c 339 § 1; 1989 1st ex.s. c 2 § 9.]

RCW 43.143.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Coastal counties" means Clallam, Jefferson, Grays Harbor, and Pacific counties.

(2) "Coastal waters" means the waters of the Pacific Ocean seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles.

[1989 1st ex.s. c 2 § 10.]

RCW 43.143.030 Planning and project review criteria.

(1) When the state of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington's coastal waters, the policies in RCW 43.143.010 shall guide the decision-making process.

(2) Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

[1989 1st ex.s. c 2 § 11.]

RCW 43.143.900 Captions not law.

Section captions as used in this chapter do not constitute any part of the law.

[1989 1st ex.s. c 2 § 18.]

RCW 43.143.901 Short title.

Sections 8 through 12 of this act shall constitute a new chapter in Title 43 RCW and may be known and cited as the ocean resources management act.

[1989 1st ex.s. c 2 § 19.]

RCW 43.143.902 Severability--1989 1st ex.s. c 2.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 1st ex.s. c 2 § 20.]

Chapter 43.145 RCW
NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE
MANAGEMENT

Sections

| | |
|------------|---|
| 43.145.010 | Compact. |
| 43.145.020 | Requirements of Washington representative to Northwest low-level waste compact committee. |
| 43.145.030 | Rule-making authority. |

Notes:

Radioactive Waste Storage and Transportation Act of 1980: Chapter 70.99 RCW.

RCW 43.145.010 Compact.

The Northwest Interstate Compact on Low-Level Radioactive Waste Management is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect between the state and other states joining the compact in accordance with the terms of the compact.

NORTHWEST INTERSTATE COMPACT ON
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

ARTICLE I--Policy and Purpose

The party states recognize that low-level radioactive wastes are generated by essential activities and services that benefit the citizens of the states. It is further recognized that the protection of the health and safety of the citizens of the party states and the most economical management of low-level radioactive wastes can be accomplished through cooperation of the states in minimizing the amount of handling and transportation required to dispose of such wastes and through the cooperation of the states in providing facilities that serve the region. It is the policy of the party states to undertake the necessary cooperation to protect the health and safety of the citizens of the party states and to provide for the most economical management of low-level radioactive wastes on a continuing basis. It is the purpose of this compact to provide the means for such a cooperative effort among the party states so that the protection of the citizens of the states and the maintenance of the viability of the states' economies will be enhanced while sharing the responsibilities of radioactive low-level waste management.

ARTICLE II--Definitions

As used in this compact:

(1) "Facility" means any site, location, structure, or property used or to be used for the storage, treatment, or disposal of low-level waste, excluding federal waste facilities;

(2) "Low-level waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities which exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than ten nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations;

(3) "Generator" means any person, partnership, association, corporation, or any other entity whatsoever which, as a part of its activities, produces low-level radioactive waste;

(4) "Host state" means a state in which a facility is located.

ARTICLE III--Regulatory Practices

Each party state hereby agrees to adopt practices which will require low-level waste shipments originating within its borders and destined for a facility within another party state to conform to the applicable packaging and transportation requirements and regulations of the host state. Such practices shall include:

(1) Maintaining an inventory of all generators within the state that have shipped or expect to ship low-level waste to facilities in another party state;

(2) Periodic unannounced inspection of the premises of such generators and the waste management activities thereon;

(3) Authorization of the containers in which such waste may be shipped, and a requirement that generators use only that type of container authorized by the state;

(4) Assurance that inspections of the carriers which transport such waste are conducted by proper authorities, and appropriate enforcement action taken for violations;

(5) After receiving notification from a host state that a generator within the party state is in violation of applicable packaging or transportation standards, the party state will take appropriate action to assure that such violations do not recur. Such action may include inspection of every individual low-level waste shipment by that generator.

Each party state may impose fees upon generators and shippers to recover the cost of the inspections and other practices under this Article. Nothing in this Article shall be construed to limit any party state's authority to impose additional or more stringent standards on generators or carriers than those required under this Article.

ARTICLE IV--Regional Facilities

Section 1. Facilities located in any party state, other than facilities established or

maintained by individual low-level waste generators for the management of their own low-level waste, shall accept low-level waste generated in any party state if such waste has been packaged and transported according to applicable laws and regulations.

Section 2. No facility located in any party state may accept low-level waste generated outside of the region comprised of the party states, except as provided in Article V.

Section 3. Until such time as Section 2 takes effect as provided in Article VI, facilities located in any party state may accept low-level waste generated outside of any of the party states only if such waste is accompanied by a certificate of compliance issued by an official of the state in which such waste shipment originated. Such certificate shall be in such form as may be required by the host state, and shall contain at least the following:

- (1) The generator's name and address;
- (2) A description of the contents of the low-level waste container;
- (3) A statement that the low-level waste being shipped has been inspected by the official who issued the certificate or by his agent or by a representative of the United States Nuclear Regulatory Commission, and found to have been packaged in compliance with applicable federal regulations and such additional requirements as may be imposed by the host state;
- (4) A binding agreement by the state of origin to reimburse any party state for any liability or expense incurred as a result of an accidental release of such waste during shipment or after such waste reaches the facility.

Section 4. Each party state shall cooperate with the other party states in determining the appropriate site of any facility that might be required within the region comprised of the party states, in order to maximize public health and safety while minimizing the use of any one party state as the host of such facilities on a permanent basis. Each party state further agrees that decisions regarding low-level waste management facilities in their region will be reached through a good faith process which takes into account the burdens borne by each of the party states as well as the benefits each has received.

Section 5. The party states recognize that the issue of hazardous chemical waste management is similar in many respects to that of low-level waste management. Therefore, in consideration of the state of Washington allowing access to its low-level waste disposal facility by generators in other party states, party states such as Oregon and Idaho which host hazardous chemical waste disposal facilities will allow access to such facilities by generators within other party states. Nothing in this compact may be construed to prevent any party state from limiting the nature and type of hazardous chemical or low-level wastes to be accepted at facilities within its borders or from ordering the closure or [of] such facilities, so long as such action by a host state is applied equally to all generators within the region composed of the party states.

Section 6. Any host state may establish a schedule of fees and requirements related to its facility, to assure that closure, perpetual care, and maintenance and contingency requirements are met, including adequate bonding.

ARTICLE V--Northwest Low-level Waste
Compact Committee

The governor of each party state shall designate one official of that state as the person responsible for administration of this compact. The officials so designated shall together comprise the Northwest low-level waste compact committee. The committee shall meet as required to consider matters arising under this compact. The parties shall inform the committee of existing regulations concerning low-level waste management in their states, and shall afford all parties a reasonable opportunity to review and comment upon any proposed modifications in such regulations. Notwithstanding any provision of Article IV to the contrary, the committee may enter into arrangements with states, provinces, individual generators, or regional compact entities outside the region comprised of the party states for access to facilities on such terms and conditions as the committee may deem appropriate. However, it shall require a two-thirds vote of all such members, including the affirmative vote of the member of any party state in which a facility affected by such arrangement is located, for the committee to enter into such arrangement.

ARTICLE VI--Eligible Parties and Effective Date

Section 1. Each of the following states is eligible to become a party to this compact: Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming. As to any eligible party, this compact shall become effective upon enactment into law by that party, but it shall not become initially effective until enacted into law by two states. Any party state may withdraw from this compact by enacting a statute repealing its approval.

Section 2. After the compact has initially taken effect pursuant to Section 1, any eligible party state may become a party to this compact by the execution of an executive order by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1983, whichever occurs first, unless the compact has by then been enacted as a statute by that state.

Section 3. Section 2 of Article IV of this compact shall take effect on July 1, 1983, if consent is given by Congress. As provided in Public Law 96-573, Congress may withdraw its consent to the compact after every five-year period.

ARTICLE VII--Severability

If any provision of this compact, or its application to any person or circumstance, is held to be invalid, all other provisions of this compact, and the application of all of its provisions to all other persons and circumstances, shall remain valid; and to this end the provisions of this compact are severable.

[1981 c 124 § 1.]

RCW 43.145.020 Requirements of Washington representative to Northwest low-level waste compact committee.

The person designated as the Washington representative to the committee as specified in Article V shall adhere to all provisions of the low-level radioactive waste compact. In considering special conditions or arrangements for access to the state's facilities from wastes generated outside of the region, the committee member shall ensure at a minimum, that the provisions of Article IV, Section 3 are complied with. After 1992 the Washington representative may approve access to the state's facility only for the states currently members of the Rocky Mountain compact or states which generate less than one thousand cubic feet of waste annually and are contiguous with a state which is a member of the Northwest compact.

[1990 c 21 § 5; 1981 c 124 § 2.]

RCW 43.145.030 Rule-making authority.

See RCW 43.200.070.

Chapter 43.146 RCW
PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIAL
TRANSPORTATION MANAGEMENT

Sections

| | |
|------------|--|
| 43.146.010 | Pacific States Agreement on Radioactive Materials Transportation Management. |
| 43.146.900 | Legislative directive--State designee. |

RCW 43.146.010 Pacific States Agreement on Radioactive Materials Transportation Management.

The Pacific States Agreement on Radioactive Materials Transportation Management is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect between the state and other states joining the agreement in accordance with its terms.

PACIFIC STATES AGREEMENT ON
RADIOACTIVE MATERIALS
TRANSPORTATION MANAGEMENT

ARTICLE I--Policy and Purpose

The party states recognize that protection of the health and safety of citizens and the environment, and the most economical transportation of radioactive materials, can be accomplished through cooperation and coordination among neighboring states. It is the purpose of this agreement to establish a committee comprised of representatives from each party state to

further cooperation between the states on emergency response and to coordinate activities by the states to eliminate unnecessary duplication of rules and regulations regarding the transportation and handling of radioactive material.

The party states intend that this agreement facilitate both interstate commerce and protection of public health and the environment. To accomplish this goal, the party states direct the committee to develop model regulatory standards for party states to act upon and direct the committee to coordinate decisions by party states relating to the routing and inspection of shipments of radioactive material.

ARTICLE II--Definitions

As used in this agreement:

- (1) "Carrier" includes common, private, and contract carriers.
- (2) "Hazardous material" means a substance or material which has been determined by the United States department of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.
- (3) "Radioactive material" has the meaning given that term in federal department of transportation regulations found in 49 C.F.R. Sec. 173, and includes, but is not limited to, high-level radioactive waste, low-level radioactive waste, and spent nuclear fuel, as defined in section 2 of the nuclear waste policy act of 1982 (96 Stat. 2202; 42 U.S.C.A. Sec. 10101).
- (4) "Transportation" means the transport by any means of radioactive material destined for or derived from any location, and any loading, unloading, or storage incident to such transport. "Transportation" does not include permanent storage or disposal of the material.

ARTICLE III--Regulatory Practices

Section 1. The party states agree to develop model standards, not in conflict with federal law or regulations, for carriers of radioactive material to provide information regarding:

- (1) The amount and kind of material transported;
- (2) The mode of transportation and, to the extent feasible, the route or routes and the time schedule;
- (3) The carrier's compliance with local, state, and federal rules and regulations related to radioactive material transportation;
- (4) The carrier's compliance with federal and state liability insurance requirements.

Section 2. Consistent with federal law or regulations pertaining to transportation of radioactive material, the party states also agree to:

- (1) Develop model uniform procedures for issuing permits to carriers;
- (2) Develop model uniform record-keeping processes that allow access on demand by each state;
- (3) Develop model uniform safety standards for carriers;
- (4) Coordinate routing of shipments of radioactive materials;
- (5) Develop a method for coordinating the party states' emergency response plans to

provide for regional emergency response including (a) systems for sharing information essential to radiation control efforts, (b) systems for sharing emergency response personnel, and (c) a method to allocate costs and clarify liability when a party state or its officers request or render emergency response;

(6) Recommend parking requirements for motor vehicles transporting radioactive materials;

(7) Coordinate state inspections of carriers; and

(8) Develop other cooperative arrangements and agreements to enhance safety.

Section 3. The party states also agree to coordinate emergency response training and preparedness drills among the party states, Indian tribes, and affected political subdivisions of the party states, and, if possible, with federal agencies.

Section 4. The party states recognize that the transportation management of hazardous waste and hazardous materials is similar in many respects to that of radioactive materials. The party states, therefore, agree to confer as to transportation management and emergency response for those items where similarities in management exist.

ARTICLE IV--Pacific States Radioactive Materials Transportation Committee

Section 1. Each party state shall designate one official of that state to confer with appropriate legislative committees and with other officials of that state responsible for managing transportation of radioactive material and with affected Indian tribes and be responsible for administration of this agreement. The officials so designated shall together comprise the Pacific states radioactive materials transportation committee. The committee shall meet as required to consider and, where necessary, coordinate matters addressed in this agreement. The parties shall inform the committee of existing regulations concerning radioactive materials transportation management in their states, and shall afford all parties a reasonable opportunity to review and comment upon any proposed modifications in such regulations.

Section 2. The committee may also engage in long-term planning to assure safe and economical management of radioactive material transportation on a continuing basis.

Section 3. To the extent practicable, the committee shall coordinate its activities with those of other organizations.

ARTICLE V--Eligible Parties and Effective Date

Section 1. The states of Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming are eligible to become a party to this agreement. As to any eligible party, this agreement shall become effective upon enactment into law by that party, but it shall not become initially effective until enacted into law by two states. Any party state may withdraw from this agreement by enacting a statute repealing its approval.

Section 2. After the agreement has initially taken effect under section 1 of this article, any eligible party state may become a party to this agreement by the execution of an executive

order by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1988, whichever occurs first, unless the agreement has by then been enacted as a statute by that state.

ARTICLE VI--Severability

If any provision of this agreement, or its application to any person or circumstance, is held to be invalid, all other provisions of this agreement, and the application of all of its provisions to all other persons and circumstances, shall remain valid; and to this end the provisions of this agreement are severable.

[1987 c 90 § 1.]

RCW 43.146.900 Legislative directive--State designee.

(1) Section 1 of this act shall constitute a new chapter in Title 43 RCW.

(2) The Washington state designee to the committee shall be appointed by the governor.

[1987 c 90 § 2.]

Chapter 43.147 RCW

PACIFIC NORTHWEST ECONOMIC REGION AGREEMENT

Sections

| | |
|------------|---|
| 43.147.010 | Terms of agreement. |
| 43.147.020 | Finding. |
| 43.147.030 | Cooperative activities encouraged. |
| 43.147.040 | Interlibrary sharing--Finding. |
| 43.147.050 | Interlibrary sharing--Definition--Member libraries. |
| 43.147.060 | PNWER-Net working subgroup--Generally. |
| 43.147.070 | PNWER-Net working subgroup--Duties. |
| 43.147.080 | PNWER-Net working subgroup--Gifts, grants, donations. |

RCW 43.147.010 Terms of agreement.

The Pacific Northwest Economic Region is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect in accordance with the terms of this agreement.

THE PACIFIC NORTHWEST ECONOMIC REGION

ARTICLE I—Policy and Purpose

States and provinces participating in the Pacific Northwest Economic Region shall seek to develop and establish policies that: Promote greater regional collaboration among the seven entities; enhance the overall competitiveness of the region in international and domestic markets; increase the economic well-being of all citizens in the region; and improve the quality of life of the citizens of the Pacific Northwest.

States and provinces recognize that there are many public policy areas in which cooperation and joint efforts would be mutually beneficial. These areas include, but are not limited to: International trade; economic development; human resources; the environment and natural resources; energy; and education. Parties to this agreement shall work diligently to establish collaborative activity in these and other appropriate policy areas where such cooperation is deemed worthwhile and of benefit to the participating entities. Participating states and provinces also agree that there are areas in which cooperation may not be feasible.

The substantive actions of the Pacific Northwest Economic Region may take the form of uniform legislation enacted by two or more states and/or provinces or policy initiatives endorsed as appropriate by participating entities. It shall not be necessary for all states and provinces to participate in each initiative.

ARTICLE II—Eligible Parties and Effective Date

Each of the following states and provinces is eligible to become a party to this agreement: Alaska, Alberta, British Columbia, Idaho, Montana, Oregon, and Washington. This agreement establishing the Pacific Northwest Economic Region shall become effective when it is executed by one state, one province, and one additional state and/or province in a form deemed appropriate by each entity. This agreement shall continue in force and remain binding upon each state and province until renounced by it. Renunciation of this agreement must be preceded by sending one year's notice in writing of intention to withdraw from the agreement to the other parties to the agreement.

ARTICLE III—Organizational Structure

Each state and province participating in this agreement shall appoint representatives to the Pacific Northwest Economic Region. The organizational structure of the Pacific Northwest Economic Region shall consist of the following: A delegate council consisting of four legislators and the governor or governor's designee from each participating state and four representatives and the premier or the premier's designee from each participating province and an executive committee consisting of one legislator from each participating state and/or province who is a member of the delegate council and four of the seven governors/premiers or their designees who are members of the delegate council. The legislator members of the executive committee from each state or province shall be chosen by the legislator members of that state or province. The four governor or premier members of the executive committee shall be chosen by the governors and premiers from among the governors and premiers on the delegate council. At

least one of four members representing the governors and premiers on the executive committee must be the premier of a Canadian province. Policy committees may be established to carry out further duties and responsibilities of the Pacific Northwest Economic Region.

ARTICLE IV—Duties and Responsibilities

The delegate council shall have the following duties and responsibilities: Facilitate the involvement of other government officials in the development and implementation of specific collaborative initiatives; work with policy-making committees in the development and implementation of specific initiatives; approve general organizational policies developed by the executive committee; provide final approval of the annual budget and staffing structure for the Pacific Northwest Economic Region developed by the executive committee; and other duties and responsibilities as may be established in the rules and regulations of the Pacific Northwest Economic Region. The executive committee shall perform the following duties and responsibilities: Elect the president and vice-president of the Pacific Northwest Economic Region; approve and implement general organizational policies; develop the annual budget; devise the annual action plan; act as liaison with other public and private sector entities; review the availability of, and if appropriate apply for, (1) tax exempt status under the laws and regulations of the United States or any state or subdivision thereof and (2) similar status under the laws and regulations of Canada or any province or subdivision thereof, and approve such rules, regulations, organizational policies, and staffing structure for the Pacific Northwest Economic Region and take such further actions on behalf of the Pacific Northwest Economic Region as may be deemed by the executive committee to be necessary or appropriate to qualify for and maintain such tax exempt or similar status under the applicable laws or regulations; and other duties and responsibilities established in the rules and regulations of the Pacific Northwest Economic Region. The rules and regulations of the Pacific Northwest Economic Region shall establish the procedure for voting.

ARTICLE V—Membership of Policy Committees

Policy committees dealing with specific subject matter may be established by the executive committee.

Each participating state and province shall appoint legislators and governors or premiers to sit on these committees in accordance with its own rules and regulations concerning such appointments.

ARTICLE VI—General Provisions

This agreement shall not be construed to limit the powers of any state or province or to amend or repeal or prevent the enactment of any legislation.

[1993 c 108 § 1; 1991 c 251 § 2.]

RCW 43.147.020 Finding.

The legislature finds that there is a new emerging global economy in which countries and regions located in specific areas of the world are forging new cooperative arrangements.

The legislature finds that these new cooperative arrangements are increasing the competitiveness of the participating countries and regions, thus increasing the economic benefits and the overall quality of life for the citizens of the individual countries and regions.

The legislature also finds that the Pacific Northwest states of Alaska, Idaho, Montana, Oregon, and Washington and the Canadian provinces of Alberta and British Columbia are in a strategic position to act together, as a region, thus increasing the overall competitiveness of the individual states and provinces that will provide substantial economic benefits for all of their citizens.

[1991 c 251 § 1.]

RCW 43.147.030 Cooperative activities encouraged.

It is the intent of chapter 251, Laws of 1991 to direct and encourage the establishment of cooperative activities between the seven legislative bodies of the region. The state representatives to the Pacific Northwest Economic Region shall work through appropriate channels to advance consideration of proposals developed by this body.

[1991 c 251 § 3.]

RCW 43.147.040 Interlibrary sharing--Finding.

In chapter 251, Laws of 1991, the legislature enacted into law the Pacific Northwest economic region agreement and made the state of Washington a party along with member states Alaska, Idaho, Montana, and Oregon, and member Canadian provinces Alberta and British Columbia. The legislature recognized that the member states and provinces of the Pacific Northwest economic region are in a strategic position to act together, as a region, thus increasing the overall competitiveness of the members and providing substantial economic benefits for all of their citizens.

For those reasons, in chapter 251, Laws of 1991, the legislature also encouraged the establishment of cooperative activities between the seven legislative bodies of the Pacific Northwest economic region. The member states and provinces now desire to engage in such cooperation by electronically sharing twenty-two million volumes from certain of their respective universities. The member states and provinces have determined that such interlibrary sharing will provide substantial economic benefit for their citizens. The legislature agrees, specifically also finding that such interlibrary sharing furthers a major component of education strategy in the 1990's and twenty-first century, namely providing increased access to knowledge via technology.

[1993 c 485 § 1.]

RCW 43.147.050 Interlibrary sharing--Definition--Member libraries.

Unless the context clearly requires otherwise, as used in RCW 43.147.040 through 43.147.080 "PNWER-Net" means the technology network to be created by the member states and provinces of the Pacific Northwest economic region that will be capable of electronically linking the following undergraduate university libraries of the member states and provinces:

- (1) Alaska:
 - (a) University of Alaska, Anchorage;
 - (b) University of Alaska, Juneau;
- (2) Alberta:
 - (a) University of Alberta, Calgary;
 - (b) University of Alberta, Edmonton;
- (3) British Columbia:
 - (a) University of British Columbia, Vancouver;
 - (b) University of Victoria, Victoria;
- (4) Idaho:
 - (a) Boise State University, Boise;
 - (b) University of Idaho, Moscow;
- (5) Montana:
 - (a) Montana State University, Bozeman;
 - (b) University of Montana, Missoula;
- (6) Oregon:
 - (a) Oregon State University, Corvallis;
 - (b) University of Oregon, Eugene;
- (7) Washington:
 - (a) University of Washington, Seattle; and
 - (b) Washington State University, Pullman.

[1993 c 485 § 2.]

RCW 43.147.060 PNWER-Net working subgroup--Generally.

(1) The PNWER-Net working subgroup is hereby created for the member state of Washington. The working subgroup shall be composed of seven members as follows: Two members of the senate, one from each of the major caucuses, appointed by the president of the senate; two members of the house of representatives, appointed by the speaker of the house of representatives; the state librarian; and the primary undergraduate academic librarian from each of the state's two research institutions of higher education.

(2) The staff support shall be provided by the senate committee services and, to the extent authorized by the chief clerk of the house of representatives, by the house of representatives office of program research as mutually agreed by the legislators on the working group.

(3) Legislative members shall be reimbursed for expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for expenses in accordance with RCW 43.03.050 and 43.03.060.

[1993 c 485 § 3.]

RCW 43.147.070 PNWER-Net working subgroup--Duties.

The PNWER-Net working subgroup shall have the following duties:

(1) To work with working subgroups from other member states and provinces in an entity known as the PNWER-Net working group to develop PNWER-Net; and

(2) To assist the PNWER-Net working group in developing criteria to ensure that designated member libraries use existing telecommunications infrastructure including the internet.

[1998 c 245 § 49; 1993 c 485 § 4.]

RCW 43.147.080 PNWER-Net working subgroup--Gifts, grants, donations.

The PNWER-Net working group may accept gifts, grants, and donations from private individuals and entities made for the purposes of RCW 43.147.040 through 43.147.070.

[1993 c 485 § 5.]

**Chapter 43.150 RCW
CENTER FOR VOLUNTEERISM AND CITIZEN SERVICE**

Sections

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| 43.150.010 | Legislative findings. |
| 43.150.020 | Short title. |
| 43.150.030 | Definitions. |
| 43.150.040 | Center for volunteerism and citizen service authorized--Coordinator--Staff. |
| 43.150.050 | Programs and activities authorized. |
| 43.150.070 | Receipt and expenditure of donations--Fees--Voluntary action center fund created. |
| 43.150.080 | At-risk children--Collaborative program. |

RCW 43.150.010 Legislative findings.

(1) The legislature finds that:

(a) Large numbers of Washington's citizens are actively engaged in carrying forward the ethic of service and voluntary activities that benefit their citizens, their communities, and the entire state;

(b) This contribution continues to provide the equivalent of hundreds of millions of dollars in services that might otherwise create a need for additional tax collections;

(c) Many Washington citizens have yet to become fully involved in the life of their communities; many societal needs exist that could and should be met by new citizen service initiatives;

(d) The state of Washington needs to continue to encourage and expand the ethic of civic responsibility among its citizenry, through individuals working on their own, and through local and state-wide organizations, both governmental and private and nonprofit agencies;

(e) This ethic of citizen service benefits those who serve and those who receive services; in both cases there is the betterment of all Washington communities;

(f) Public and private agencies depend in large measure on the efforts of volunteers for the accomplishment of their missions and actively seek to increase these efforts;

(g) State agencies can and should extend their service delivery programs through the increased use of and support for volunteers;

(h) The national and community service act of 1990 provides an opportunity for Washington to support citizen service and volunteer activities in Washington;

(i) Business, industry, communities, schools, and labor in Washington state are increasingly interested in opportunities for community service and in developing the volunteer and service ethic;

(j) While providing both tangible and intangible benefits, volunteers in turn need respect and support for their efforts;

(k) The state itself, through the programs and services of its agencies as well as through the provisions of law and rule making, can and should provide a primary role and focus for encouraging the ethic of citizen service and support for volunteer efforts and programs;

(l) Planned and coordinated recognition, information, training, and technical assistance for volunteer and citizen service efforts through a state-wide center for voluntary action have been proven to be effective means of multiplying the resources volunteers bring to the needs of their communities; and

(m) It is important that Washington state position itself to raise volunteerism to the highest attainable levels, and along with the private sector, become a voice in the role citizen service will take in providing solutions to societal needs.

(2) Therefore, the legislature, in recognition of these findings, enacts the center for volunteerism and citizen service act to ensure that the state of Washington actively promotes the ethic of service and makes every appropriate effort to encourage effective involvement of individuals in their communities and of volunteers who supplement the services of private, nonprofit community agencies and organizations, agencies of local government throughout the state, and the state government.

[1992 c 66 § 1; 1982 1st ex.s. c 11 § 1.]

RCW 43.150.020 Short title.

This chapter may be known and cited as the center for volunteerism and citizen service act.

[1992 c 66 § 2; 1982 1st ex.s. c 11 § 2.]

RCW 43.150.030 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer" means a person who is willing to work without expectation of salary or financial reward and who chooses where he or she provides services and the type of services he or she provides.

(2) "Center" means the state center for volunteerism and citizen service.

[1995 c 269 § 2301; 1992 c 66 § 3; 1982 1st ex.s. c 11 § 3.]

NOTES:

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 43.150.040 Center for volunteerism and citizen service authorized--Coordinator--Staff.

The governor may establish a state-wide center for volunteerism and citizen service within the department of community, trade, and economic development and appoint an executive administrator, who may employ such staff as necessary to carry out the purposes of this chapter. The provisions of chapter 41.06 RCW do not apply to the executive administrator and the staff.

[1995 c 399 § 84; 1992 c 66 § 4; 1985 c 6 § 11; 1982 1st ex.s. c 11 § 4.]

RCW 43.150.050 Programs and activities authorized.

The center, working in cooperation with individuals, local groups, and organizations throughout the state, may undertake any program or activity for which funds are available which furthers the goals of this chapter. These programs and activities may include, but are not limited to:

- (1) Providing information about programs, activities, and resources of value to volunteers and to organizations operating or planning volunteer or citizen service programs;
- (2) Sponsoring recognition events for outstanding individuals and organizations;
- (3) Facilitating the involvement of business, industry, government, and labor in community service and betterment;
- (4) Organizing, or assisting in the organization of, training workshops and conferences;
- (5) Publishing schedules of significant events, lists of published materials, accounts of successful programs and programming techniques, and other information concerning the field of volunteerism and citizen service, and distributing this information broadly;
- (6) Reviewing the laws and rules of the state of Washington, and proposed changes therein, to determine their impact on the success of volunteer activities and programs, and recommending such changes as seem appropriate to ensure the achievement of the goals of this

chapter;

(7) Seeking funding sources for enhancing, promoting, and supporting the ethic of service and facilitating or providing information to those organizations and agencies which may benefit;

(8) Providing information about agencies and individuals who are working to prevent the spread of the human immunodeficiency virus, as defined in chapter 70.24 RCW, and to agencies and individuals who are working to provide health and social services to persons with acquired immunodeficiency syndrome, as defined in chapter 70.24 RCW.

[1992 c 66 § 5; 1988 c 206 § 301; 1982 1st ex.s. c 11 § 5.]

Notes:

Severability--1988 c 206: See RCW 70.24.900.

RCW 43.150.070 Receipt and expenditure of donations--Fees--Voluntary action center fund created.

(1) The center may receive such gifts, grants, and endowments from private or public sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purpose of the center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments. The center may charge reasonable fees, or other appropriate charges, for attendance at workshops and conferences, for various publications and other materials which it is authorized to prepare and distribute for the purpose of defraying all or part of the costs of those activities and materials.

(2) A fund known as the voluntary action center fund is created, which consists of all gifts, grants, and endowments, fees, and other revenues received pursuant to this chapter. The state treasurer is the custodian of the fund. Disbursements from the fund shall be on authorization of the executive administrator of the center or the administrator's designee, and may be made for the following purposes to enhance the capabilities of the center's activities, such as: (a) Reimbursement of center volunteers for travel expenses as provided in RCW 43.03.050 and 43.03.060; (b) publication and distribution of materials involving volunteerism and citizen service; (c) for other purposes designated in gifts, grants, or endowments consistent with the purposes of this chapter. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

[1992 c 66 § 7; 1982 1st ex.s. c 11 § 7.]

RCW 43.150.080 At-risk children--Collaborative program.

A volunteer organization or individual volunteer may assist a public agency, with the agency's approval, in a collaborative program designed to serve the needs of at-risk children. The center, with the advice and counsel of the attorney general, shall develop guidelines defining at-risk children and establish reasonable safety standards to protect the safety of program participants and volunteers, including but not limited to background checks as appropriate as

provided in RCW 43.43.830 through 43.43.834. In carrying out the volunteer activity, the individual volunteer or member of the volunteer organization shall not be considered to be an employee or agent of any public agency involved in the collaborative program. The public agency shall have no liability for any acts of the individual volunteer or volunteer organization. Prior to participation, a volunteer and the public agency administering the collaborative program shall sign a written master agreement, approved in form by the attorney general, that includes provisions defining the scope of the volunteer activities and waiving any claims against each other. A volunteer organization or individual volunteer shall not be liable for civil damages resulting from any act or omission arising from volunteer activities which comply with safety standards issued by the center for volunteerism and citizen service, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

[1993 c 365 § 1.]

Chapter 43.155 RCW PUBLIC WORKS PROJECTS

Sections

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RCW 43.155.010 Legislative findings and policy.

The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs.

The legislature further finds that Washington's local governments have unmet financial needs for solid waste disposal, including recycling, and encourages the board to make an equitable geographic distribution of the funds.

It is the policy of the state of Washington to encourage self-reliance by local

governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

[1996 c 168 § 1; 1985 c 446 § 7.]

RCW 43.155.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of community, trade, and economic development.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

[2001 c 131 § 1; 1996 c 168 § 2; 1995 c 399 § 85; 1985 c 446 § 8.]

RCW 43.155.030 Public works board created.

(1) The public works board is hereby created.

(2) The board shall be composed of thirteen members appointed by the governor for

terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the Washington public utility districts association and a state association of water-sewer districts, or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(3) Staff support to the board shall be provided by the department.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080.

[1999 c 153 § 58; 1985 c 446 § 9.]

Notes:

Part headings not law--1999 c 153: See note following RCW 57.04.050.

RCW 43.155.040 General powers of the board.

The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

[1985 c 446 § 10.]

RCW 43.155.050 Public works assistance account.

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans.

[2001 c 131 § 2. Prior: 1995 2nd sp.s. c 18 § 918; 1995 c 376 § 11; 1993 sp.s. c 24 § 921; 1985 c 471 § 8.]

NOTES:

Severability--Effective date--1995 2nd sp.s. c 18: See notes following RCW 19.118.110.

Findings--1995 c 376: See note following RCW 70.116.060.

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

Severability--Effective date--1985 c 471: See notes following RCW 82.04.260.

RCW 43.155.060 Public works financing powers--Competitive bids on projects.

In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the

provision of technical assistance under this chapter.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids, except for emergency public works under RCW 43.155.065 for which the recipient jurisdiction shall comply with this requirement to the extent feasible and practicable. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter.

[1988 c 93 § 2; 1985 c 446 § 11.]

RCW 43.155.065 Emergency public works projects.

The board may make low-interest or interest-free loans to local governments for emergency public works projects. Emergency public works projects shall include the construction, repair, reconstruction, replacement, rehabilitation, or improvement of a public water system that is in violation of health and safety standards and is being operated by a local government on a temporary basis. The loans may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following sources: (1) Federal disaster or emergency funds, including funds from the federal emergency management agency; (2) state disaster or emergency funds; (3) insurance settlements; or (4) litigation.

[2001 c 131 § 3; 1990 c 133 § 7; 1988 c 93 § 1.]

NOTES:

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.155.068 Loans for preconstruction activities.

(1) The board may make low-interest or interest-free loans to local governments for preconstruction activities on public works projects before the legislature approves the construction phase of the project. Preconstruction activities include design, engineering, bid-document preparation, environmental studies, right of way acquisition, and other preliminary phases of public works projects as determined by the board. The purpose of the loans authorized in this section is to accelerate the completion of public works projects by allowing preconstruction activities to be performed before the approval of the construction phase of the project by the legislature.

(2) Projects receiving loans for preconstruction activities under this section must be evaluated using the priority process and factors in *RCW 43.155.070(2). The receipt of a loan for preconstruction activities does not ensure the receipt of a construction loan for the project under this chapter. Construction loans for projects receiving a loan for preconstruction activities under this section are subject to legislative approval under *RCW 43.155.070 (4) and (5). The board shall adopt a single application process for local governments seeking both a loan for preconstruction activities under this section and a construction loan for the project.

[2001 c 131 § 4; 1995 c 363 § 2.]

NOTES:

***Reviser's note:** RCW 43.155.070 was amended by 1999 c 164 § 602, changing subsections (2), (4), and (5) to subsections (4), (6), and (7), respectively.

Finding--Purpose--1995 c 363: "The legislature finds that there continues to exist a great need for capital projects to plan, acquire, design, construct, and repair local government streets, roads, bridges, water systems, and storm and sanitary sewage systems. It is the purpose of this act to accelerate the construction of these projects under the public works assistance program." [1995 c 363 § 1.]

RCW 43.155.070 Eligibility, priority, limitations, and exceptions.

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a

great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by

the city or county under chapter 70.95 RCW.

[2001 c 131 § 5; 1999 c 164 § 602; 1997 c 429 § 29; 1996 c 168 § 3; 1995 c 363 § 3; 1993 c 39 § 1; 1991 sp.s. c 32 § 23; 1990 1st ex.s. c 17 § 82; 1990 c 133 § 6; 1988 c 93 § 3; 1987 c 505 § 40; 1985 c 446 § 12.]

NOTES:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:

See notes following RCW 43.160.010.

Savings--1999 c 164 §§ 301-303, 305, 306, and 601-603: See note following RCW 82.60.020.

Effective date--1997 c 429 §§ 29, 30: "Sections 29 and 30 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 19, 1997]." [1997 c 429 § 55.]

Severability--1997 c 429: See note following RCW 36.70A.3201.

Finding--Purpose--1995 c 363: See note following RCW 43.155.068.

Effective date--1993 c 39: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 39 § 2.]

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.155.075 Loans for public works projects--Statement of environmental benefits--Development of outcome-focused performance measures.

In providing loans for public works projects, the board shall require recipients to incorporate the environmental benefits of the project into their applications, and the board shall utilize the statement of environmental benefits in its prioritization and selection process. The board shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the loan program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The board shall consult with affected interest groups in implementing this section.

[2001 c 227 § 10.]

NOTES:

Findings--Intent--2001 c 227: See note following RCW 43.41.270.

RCW 43.155.080 Records and audits.

The board shall keep proper records of accounts and shall be subject to audit by the state auditor.

[1987 c 505 § 41; 1985 c 446 § 13.]

RCW 43.155.090 Loan agreements.

Loans from the public works assistance account under this chapter shall be made by loan

agreement under chapter 39.69 RCW.

[1987 c 19 § 6.]

Chapter 43.157 RCW
INDUSTRIAL PROJECTS OF STATE-WIDE SIGNIFICANCE

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RCW 43.157.005 Declaration.

The legislature declares that certain industrial investments merit special designation and treatment by governmental bodies when they are proposed. Such investments bolster the economies of their locale and impact the economy of the state as a whole. It is the intention of the legislature to recognize industrial projects of state-wide significance and to encourage local governments and state agencies to expedite their completion.

[1997 c 369 § 1.]

RCW 43.157.010 Definitions.

(1) For purposes of this chapter and RCW 28A.525.166, 28B.80.330, 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and [an] industrial project of state-wide significance is a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces or a private industrial development with private capital investment in manufacturing or research and development. To qualify as an industrial project of state-wide significance, the project must be completed after January 1, 1997, and have:

(a) In counties with a population of less than or equal to twenty thousand, a capital investment of twenty million dollars;

(b) In counties with a population of greater than twenty thousand but no more than fifty thousand, a capital investment of fifty million dollars;

(c) In counties with a population of greater than fifty thousand but no more than one hundred thousand, a capital investment of one hundred million dollars;

(d) In counties with a population of greater than one hundred thousand but no more than two hundred thousand, a capital investment of two hundred million dollars;

(e) In counties with a population of greater than two hundred thousand but no more than four hundred thousand, a capital investment of four hundred million dollars;

(f) In counties with a population of greater than four hundred thousand but no more than

one million, a capital investment of six hundred million dollars;

(g) In counties with a population of greater than one million, a capital investment of one billion dollars; or

(h) Been designated by the director of community, trade, and economic development as an industrial project of state-wide significance either: (i) Because the county in which the project is to be located is a distressed county and the economic circumstances of the county merit the additional assistance such designation will bring; or (ii) because the impact on a region due to the size and complexity of the project merits such designation.

(2) The term manufacturing shall have the meaning assigned it in RCW 82.61.010.

(3) The term research and development shall have the meaning assigned it in RCW 82.61.010.

[1997 c 369 § 2.]

RCW 43.157.020 Expediting completion of industrial projects of state-wide significance--Planning requirements.

Counties and cities planning under the planning enabling act, chapter 36.70 RCW, or the requirements of the growth management act, chapter 36.70A RCW, shall include a process, to be followed at their discretion for any specific project, for expediting the completion of industrial projects of state-wide significance.

[1997 c 369 § 3.]

RCW 43.157.030 Ombudsmen.

The department of community, trade, and economic development shall assign an ombudsman to each industrial project of state-wide significance. The ombudsman shall be responsible for assembling a team of state and local government and private officials to help meet the planning and development needs of each project. The ombudsman shall strive to include in the teams those responsible for planning, permitting and licensing, infrastructure development, work force development services including higher education, transportation services, and the provision of utilities. The ombudsman shall encourage each team member to expedite their actions in furtherance of the project.

[1997 c 369 § 4.]

**Chapter 43.160 RCW
ECONOMIC DEVELOPMENT--PUBLIC FACILITIES LOANS AND GRANTS**

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Notes:

Public disclosure: RCW 42.17.310.

RCW 43.160.010 Legislative declaration (as amended by 1999 c 94).

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made

for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such))~~ Transportation improvements ~~((must first be))~~ on state highways that have been approved by the ~~((state transportation commission and the))~~ community economic revitalization board must be approved by the transportation commission in accordance with the procedures established by RCW 43.160.074 and 47.01.280 to receive funding. ~~((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural natural resource impact areas do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Rural natural resource impact areas generally lack the infrastructure necessary to

diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to rural natural resource impact areas.

[1999 c 94 § 5; 1996 c 51 § 1; 1991 c 314 § 21; 1989 c 431 § 61; 1987 c 422 § 1; 1984 c 257 § 1; 1982 1st ex.s. c 40 § 1.]

NOTES:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

RCW 43.160.010 Legislative declaration (as amended by 1999 c 164).

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways (~~in the vicinity of new~~), county roads, or city streets for industries considering locating or expanding in this state (~~or existing industries that are considering significant expansion~~).

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development.)) All ((such)) transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. ~~((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in rural natural resources impact areas and rural counties of the state.

(4) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((4))~~ (5) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region. The ability of these communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure ((is one of several)) are critical ingredients ((that are critical)) for economic development. Rural counties and rural natural resources impact areas generally lack ((the infrastructure)) these necessary tools and resources to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the ((availability of funds to help provide infrastructure to rural natural resource impact areas)) amount of funding available through the community economic revitalization board for rural counties and rural natural resources impact areas, and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

[1999 c 164 § 101; 1996 c 51 § 1; 1991 c 314 § 21; 1989 c 431 § 61; 1987 c 422 § 1; 1984 c 257 § 1; 1982 1st ex.s. c 40 § 1.]

NOTES:

Reviser's note: RCW 43.160.010 was amended twice during the 1999 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Findings--Intent--1999 c 164: "The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment,

another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity." [1999 c 164 § 1.]

Part headings and subheadings not law--1999 c 164: "Part headings and subheadings used in this act are not any part of the law." [1999 c 164 § 801.]

Effective date--1999 c 164: "This act takes effect August 1, 1999." [1999 c 164 § 802.]

Severability--1999 c 164: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 164 § 804.]

Severability--1996 c 51: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 51 § 11.]

Effective dates--1996 c 51: "(1) Sections 1 through 9 and 11 of this act shall take effect July 1, 1996. (2) Section 10 of this act shall take effect June 30, 1997." [1996 c 51 § 12.]

Findings--1991 c 314: See note following RCW 43.160.020.

Severability--Section captions not law--1989 c 431: See RCW 70.95.901 and 70.95.902.

RCW 43.160.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this

chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Public facilities" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(12) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

(13) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.

(14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

[1999 c 164 § 102; 1997 c 367 § 8; 1996 c 51 § 2; 1995 c 226 § 14. Prior: 1993 c 320 § 1; 1993 c 280 § 55; 1992 c

21 § 3; 1991 c 314 § 22; 1985 c 466 § 58; 1985 c 6 § 12; 1984 c 257 § 2; 1983 1st ex.s. c 60 § 1; 1982 1st ex.s. c 40 § 2.]

NOTES:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Severability--1997 c 367: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 367 § 21.]

Conflict with federal requirements--1997 c 367: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [1997 c 367 § 22.]

Effective date--1997 c 367: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 367 § 23.]

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Severability--1995 c 226: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 226 § 37.]

Conflict with federal requirements--1995 c 226: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [1995 c 226 § 38.]

Effective date--1995 c 226: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 c 226 § 39.]

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1991 c 314: "The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber impact areas are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that these regions require a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber impact areas including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber impact areas." [1991 c 314 § 1.]

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.160.030 Community economic revitalization board--Members--Terms--Chair, vice-chair--Management services--Travel expenses--Vacancies--Removal.

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of the chairman of and one minority member appointed by the speaker of the house of representatives from the committee of the house of representatives that deals with issues of economic development, the chairman of and one minority member appointed by the president of the senate from the committee of the senate that deals with issues of economic development, and the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

[1996 c 51 § 3; 1995 c 399 § 86; 1993 c 320 § 2. Prior: 1987 c 422 § 2; 1987 c 195 § 11; prior: 1985 c 446 § 2; 1985 c 6 § 13; prior: 1985 c 446 § 1; 1984 c 287 § 89; 1983 1st ex.s. c 60 § 2; 1982 1st ex.s. c 40 § 3.]

Notes:

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.160.035 Designees for board members.

Each member of the house of representatives who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the trade, economic development, and housing committee of the house of representatives to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each member of the senate who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the trade, technology, and economic development committee of the senate to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each agency head of an executive agency who is appointed to serve as a nonvoting advisory member of the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings at which the agency head will be absent. The designee will have all powers to participate in board deliberations as have the other board members but shall not have voting powers.

[1993 c 320 § 3; 1987 c 422 § 3; 1985 c 446 § 4.]

RCW 43.160.040 Conflicts of interest--Code of ethics.

In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no board member, appointive or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association which would be the recipient of any aid under this chapter. In any instance where the participation occurs, the board shall void the transaction, and the involved member shall be subject to whatever further sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which shall be designed to protect the state and its citizens from any unethical conduct by the board.

[1982 1st ex.s. c 40 § 4.]

RCW 43.160.050 Powers of board.

The board may:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business.
- (2) Adopt an official seal and alter the seal at its pleasure.
- (3) Utilize the services of other governmental agencies.
- (4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.
- (5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.
- (6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this

chapter.

(7) Exercise all the powers of a public corporation under chapter 39.84 RCW.

(8) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.

(9) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.

(10) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.

(11) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.

(12) Sell, purchase, or insure loans to finance the costs of industrial development facilities.

(13) Service, contract, and pay for the servicing of loans for industrial development facilities.

(14) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.

(15) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.

(16) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.

(17) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

(18) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

[1996 c 51 § 4; 1987 c 422 § 4; 1982 1st ex.s. c 40 § 5.]

Notes:

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

RCW 43.160.060 Loans and grants to political subdivisions for public facilities authorized--Application--Requirements for financial assistance.

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility[,] and marketing studies and plans; project

design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that financial circumstances require grant assistance to enable the project to move forward.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located; and

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision seeking the assistance must demonstrate to the community economic revitalization board that no other

timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

[1999 c 164 § 103; 1996 c 51 § 5; 1993 c 320 § 4; 1990 1st ex.s. c 17 § 73; 1989 c 431 § 62; 1987 c 422 § 5; 1985 c 446 § 3; 1983 1st ex.s. c 60 § 3; 1982 1st ex.s. c 40 § 6.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:

See notes following RCW 43.160.010.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Severability--Section captions not law--1989 c 431: See RCW 70.95.901 and 70.95.902.

RCW 43.160.070 Conditions.

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account and the distressed county public facilities construction loan account shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the accounts. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural counties or rural natural resources impact areas, as the board determines. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

[1999 c 164 § 104; 1998 c 321 § 27 (Referendum Bill No. 49, approved November 3, 1998); 1997 c 235 § 721; 1996 c 51 § 6; 1990 1st ex.s. c 16 § 802; 1983 1st ex.s. c 60 § 4; 1982 1st ex.s. c 40 § 7.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:

See notes following RCW 43.160.010.

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 35.58.273.

Severability--Effective date--1997 c 235: See notes following RCW 79A.15.040.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Severability--1990 1st ex.s. c 16: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 1st ex.s. c 16 § 803.]

RCW 43.160.074 Application--Request for improvements to existing highways--Procedures.

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the transportation commission.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the transportation commission as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the transportation commission as specified in RCW 47.01.280.

(4) The board shall notify the transportation commission of its decision regarding any application made under this section.

[1985 c 433 § 5.]

Notes:

Nonseverability--1985 c 433: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the entire act and the application of the provision to other persons or circumstances is invalid and of no further force and effect." [1985 c 433 § 10.]

RCW 43.160.076 Financial assistance in rural counties or natural resources impact areas.

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall spend at least seventy-five percent for financial assistance for projects in rural counties or rural natural

resources impact areas.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties or rural natural resources impact areas are clearly insufficient to use up the seventy-five percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties or rural natural resources impact areas.

[1999 c 164 § 105. Prior: 1998 c 321 § 28 (Referendum Bill No. 49, approved November 3, 1998); 1998 c 55 § 4; 1997 c 367 § 9; 1996 c 51 § 7; 1995 c 226 § 15; 1993 c 320 § 5; 1991 c 314 § 24; 1985 c 446 § 6.]

NOTES:

Reviser's note: RCW 43.160.076 was also repealed by 1998 c 321 § 29 without cognizance of its amendment by 1999 c 164 § 105 and 1998 c 55 § 4. For rule of construction see RCW 1.12.025. 1998 c 55 § 4 added an expiration date to this section that coincided with the delayed repealer in 1998 c 321 § 29. 1999 c 164 § 105 eliminated that expiration date.

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 35.58.273.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.160.020.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Repeal--1991 c 314: "RCW 43.160.076 and 1998 c 321 § 28, 1997 c 367 § 9, 1996 c 51 § 7, 1995 c 226 § 15, 1993 c 320 § 5, 1991 c 314 § 24, & 1985 c 446 § 6 are each repealed effective June 30, 2000." [1998 c 321 § 29 (Referendum Bill No. 49, approved November 3, 1998); 1997 c 367 § 10; 1995 c 226 § 7; 1993 c 320 § 10; 1991 c 314 § 32.]

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.160.020.

Findings--1991 c 314: See note following RCW 43.160.020.

RCW 43.160.076 Financial assistance in rural counties or natural resources impact areas.

[1999 c 164 § 105. Prior: 1998 c 321 § 28 (Referendum Bill No. 49, approved November 3, 1998); 1998 c 55 § 4; 1997 c 367 § 9; 1996 c 51 § 7; 1995 c 226 § 15; 1993 c 320 § 5; 1991 c 314 § 24; 1985 c 446 § 6.] Repealed by 1998 c 321 § 29, effective June 30, 2000.

NOTES:

Reviser's note: RCW 43.160.076 was also amended by 1999 c 164 § 105 and 1998 c 55 § 4 without cognizance of its repeal by 1998 c 321 § 29. For rule of construction, see RCW 1.12.025.

RCW 43.160.077 Applications--Processing of recyclable materials--Department of ecology notice.

(1) When the board receives an application from a political subdivision that includes a request for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials, a copy of the application shall be sent by the board to the department of ecology.

(2) The board shall notify the department of ecology of its decision regarding any application made under this section.

[1993 c 320 § 6; 1989 c 431 § 63.]

Notes:

Severability--Section captions not law--1989 c 431: See RCW 70.95.901 and 70.95.902.

RCW 43.160.078 Board to familiarize government officials and public with chapter provisions.

In order to enhance competition for grants and loans and the quality of projects for which loans and grants are sought, the board shall take such reasonable measures as are necessary to familiarize government officials and members of the public with the provisions of this chapter, particularly the board's authority to make grants and loans.

[1985 c 446 § 5.]

RCW 43.160.080 Public facilities construction loan revolving account.

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue bonds and moneys deposited in the distressed county public facilities construction loan account under RCW 43.160.220, and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW.

[1998 c 321 § 30 (Referendum Bill No. 49, approved November 3, 1998); 1992 c 235 § 10; 1991 sp.s. c 13 § 115; 1987 c 422 § 6; 1984 c 257 § 12; 1983 1st ex.s. c 60 § 6; 1982 1st ex.s. c 40 § 8.]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 35.58.273.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.160.090 Records--Audits.

The board and the department shall keep proper records of accounts and shall be subject to audit by the state auditor.

[1996 c 51 § 8; 1987 c 505 § 42; 1982 1st ex.s. c 40 § 9.]

Notes:

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

RCW 43.160.100 Status of board.

The board is an authority and an instrumentality of the state within the meaning of those terms in the regulations of the Internal Revenue Service prescribed pursuant to Section 103 of the federal Internal Revenue Code of 1954, as amended.

[1984 c 257 § 3.]

RCW 43.160.115 Cooperation with *Washington state development loan fund committee required--Transfer of funds.

In addition to its powers and duties under this chapter, the community economic revitalization board shall cooperate with the *Washington state development loan fund committee in order to provide for coordination of their very similar programs. Under this chapter, it is the duty of the department of community, trade, and economic development and the board to financially assist the committee to the extent required by law. Funds appropriated to the board or the department of community, trade, and economic development for the use of the board shall be transferred to the department of community, trade, and economic development to the extent required by law.

[1995 c 399 § 87; 1987 c 422 § 7; 1987 c 195 § 12; 1985 c 164 § 14.]

Notes:

***Reviser's note:** The Washington state development loan fund committee was terminated on June 30, 1994, and its powers and duties were transferred to the director of the department of community, trade, and economic development.

Severability--1985 c 164: See RCW 43.168.900.

RCW 43.160.120 Commingling of funds prohibited.

No part of the proceeds received from the sale of any industrial development revenue bonds under this chapter, of any revenues derived from an industrial development facility acquired or held under this chapter, or of any interest realized on moneys received under this chapter, may be commingled by the board with funds of the state.

[1984 c 257 § 5.]

RCW 43.160.130 Personal liability.

The members and employees of the board and the department shall not be personally liable or accountable by reason of the issuance of or on any bond issued by the board.

[1984 c 257 § 6.]

RCW 43.160.140 Accounts.

The board may create and administer funds and accounts and establish such funds and accounts with financial institutions as are necessary to implement its duties under RCW *43.160.050 (8) through (17) and 43.160.100 through 43.160.170.

[1987 c 422 § 8; 1984 c 257 § 7.]

Notes:

***Reviser's note:** RCW 43.160.050 was amended by 1996 c 51 § 4, changing subsections (8) through (17) to subsections (7) through (16).

RCW 43.160.150 Faith and credit not pledged.

Bonds issued under this chapter do not constitute a debt, liability, obligation, or pledge of the faith and credit of the state but are payable solely from the revenues or assets of the board. A bond issued under this chapter must disclose on its face (1) the state of Washington is not obligated to pay the principal or the interest thereon; (2) no tax funds or governmental revenue may be used to pay the principal or interest thereon; and (3) neither the faith and credit nor the taxing power of the state or any subdivision or agency thereof is pledged to the payment of the principal or interest on the bond.

[1984 c 257 § 8.]

RCW 43.160.160 Security.

In order to assure payment of the bonds, the board shall consider and may require users to provide appropriate security. Such security may include but is not limited to letters of credit, deeds of trust, guarantees, mortgage insurance or cash reserves. If federal funds are used to provide additional security for the protection of bond purchasers the board shall require a credit analysis by a financial institution of each user of an umbrella board [bond] in order to ensure the marketability of the bonds.

[1984 c 257 § 9.]

RCW 43.160.170 Special reserve account.

(1) The board may establish a special reserve account and pay into it any:

(a) Proceeds of the sale of bonds to the extent provided in the resolutions or indentures of the board authorizing their issuance; and

(b) Other funds which may be available to the board from any other source for the purpose of the account.

(2) All funds held in the special reserve account must be used solely for the payment of the principal of, premium, if any, and interest on the bonds secured in whole or in part by the account, the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payment of any redemption premium required to be paid when the bonds are redeemed prior to maturity. Funds in the account may not be

withdrawn at any time in an amount that reduces the account to an amount less than the sum of minimum reserve requirements established in the resolutions or indentures of the board for the account except, with respect to bonds secured in whole or in part by the account, for the purpose of making payment, when due, of principal, premium, if any, interest, and sinking fund payments for the payment of which other money pledged is not available. Any income or interest earned by or incremental to the special reserve account due to its investment may be transferred to other accounts of the board to an extent that does not reduce the amount of the special reserve account below the sum of minimum reserve requirements for the account.

[1984 c 257 § 10.]

RCW 43.160.180 Private activity bond subcommittee.

- (1) There is hereby created the private activity bond subcommittee of the board.
- (2) The subcommittee shall be primarily responsible for reviewing and making recommendations to the board on requests for certification and allocation pursuant to the provisions of chapter 39.86 RCW and as authorized by rules adopted by the board.
- (3) The subcommittee shall consist of the following members: Six members of the board including: (a) The chair; (b) the county official; (c) the city official; (d) the port district official; (e) a legislator, appointed by the chair; and (f) the representative of the public. The members' terms shall coincide with their terms of appointment to the board.
- (4) Staff support to the subcommittee shall be provided by the department of community, trade, and economic development.
- (5) Members of the subcommittee shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.
- (6) If a vacancy on the subcommittee occurs by death, resignation, failure to hold the office from which the member was appointed, or otherwise, the vacancy shall be filled through the procedures specified for filling the corresponding vacancy on the board.

[1995 c 399 § 88; 1987 c 422 § 9; 1985 c 446 § 15.]

RCW 43.160.200 Economic development account--Eligibility for assistance.

- (1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(5) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.
- (2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.
- (3) Eligible applicants under this section are limited to political subdivisions of the state in rural natural resources impact areas and rural counties.
- (4) Applicants must demonstrate that their request is part of an economic development

plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility[,] and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed fifty thousand dollars per study. Board funds for these purposes may be provided as a grant and require a match.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include:

(i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose.

[1999 c 164 § 107; 1996 c 51 § 9; 1995 c 226 § 16. Prior: 1993 c 320 § 7; 1993 c 316 § 4; 1991 c 314 § 23.]

NOTES:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:

See notes following RCW 43.160.010.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.160.020.

Effective date--1993 c 316: "Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1993." [1993 c 316 § 12.]

Findings--1991 c 314: See note following RCW 43.160.020.

RCW 43.160.210 Distressed counties--Twenty percent of financial assistance.

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall designate at least twenty percent for financial assistance for projects in distressed counties. For purposes of this section, the term "distressed counties" includes any county, in which: (a) The average level of unemployment for the three years before the year in which an application for financial assistance is filed, exceeds the average state unemployment for those years by twenty percent; or (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties are clearly insufficient to use up the twenty percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance for projects not located in distressed counties.

[1998 c 321 § 31 (Referendum Bill No. 49, approved November 3, 1998); 1998 c 55 § 5. Prior: 1996 c 290 § 1; 1996 c 51 § 10; 1991 c 314 § 25.]

NOTES:

Reviser's note: This section was amended by 1998 c 55 § 5 and by 1998 c 321 § 31, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 35.58.273.

Effective date--1998 c 55 § 5: "Section 5 of this act takes effect June 30, 2000." [1998 c 55 § 7.]

Effective dates--1996 c 290 §§ 1 and 6: "(1) *Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1996].

(2) Section 1 of this act shall take effect June 30, 1997." [1996 c 290 § 8.]

***Reviser's note:** 1996 c 290 § 6 was vetoed.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Effective date--1991 c 314: "RCW 43.160.210 shall take effect June 30, 2000." [1997 c 367 § 12; 1995 c 226 § 9; 1993 c 320 § 11; 1993 c 316 § 8; 1991 c 314 § 34.]

Findings--1991 c 314: See note following RCW 43.160.020.

RCW 43.160.220 Distressed county public facilities construction loan account.

The distressed county public facilities construction loan account is created in the state treasury. All funds provided under RCW 82.14.200 shall be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account shall only be used to provide financial assistance under this chapter to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county.

For purposes of this section, the term "distressed counties" includes any county in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed exceeds the average state employment for those years by twenty percent.

[1998 c 321 § 9 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

RCW 43.160.900 Community economic revitalization board--Implementation of chapter--Report to legislature.

The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

[1993 c 320 § 8; 1987 c 422 § 10; 1985 c 446 § 25; 1982 1st ex.s. c 40 § 10.]

Notes:

Effective date--1993 c 320 § 8: "Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 12, 1993]." [1993 c 320 § 12.]

RCW 43.160.901 Severability--1982 1st ex.s. c 40.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1982 1st ex.s. c 40 § 11.]

RCW 43.160.902 Captions not part of law--1984 c 257.

As used in this act, captions constitute no part of the law.

[1984 c 257 § 14.]

Chapter 43.163 RCW
ECONOMIC DEVELOPMENT FINANCE AUTHORITY

Sections

| | |
|------------|--|
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| 43.163.210 | Nonrecourse revenue bond financing--Economic development activities--New products. |
| 43.163.901 | Severability--1989 c 279. |

Notes:

Public disclosure: RCW 42.17.310.

RCW 43.163.005 Purpose--Construction.

Economic development is essential to the health, safety, and welfare of all Washington citizens by broadening and strengthening state and local tax bases, providing meaningful employment opportunities and thereby enhancing the quality of life. Economic development increasingly is dependent upon the ability of small-sized and medium-sized businesses and farms to finance growth and trade activities. Many of these businesses face an unmet need for capital that limits their growth. These unmet capital needs are a problem in both urban and rural areas which cannot be solved by the private sector alone. There presently exist some federal programs, private credit enhancements and other financial tools to complement the private banking industry

in providing this needed capital. More research is needed to develop effective strategies to enhance access to capital and thereby stimulate economic development.

It is the purpose of this chapter to establish a state economic development finance authority to act as a financial conduit that, without using state funds or lending the credit of the state or local governments, can issue nonrecourse revenue bonds, and participate in federal, state, and local economic development programs to help facilitate access to needed capital by Washington businesses that cannot otherwise readily obtain needed capital on terms and rates comparable to large corporations, and can help local governments obtain capital more efficiently. It is also a primary purpose of this chapter to encourage the employment and retention of Washington workers at meaningful wages and to develop innovative approaches to the problem of unmet capital needs. This chapter is enacted to accomplish these and related purposes and shall be construed liberally to carry out its purposes and objectives.

[1990 c 53 § 1; 1989 c 279 § 1.]

Notes:

Findings--Purpose--1994 c 302: "The legislature finds that when public funds are used to support private enterprise, the public may gain through the creation of new jobs, the diversification of the economy, or higher quality jobs for existing workers. The legislature further finds that such returns on public investments are not automatic and that tax-based incentives, in particular, may result in a greater tax burden on businesses and individuals that are not eligible for the public support. It is the purpose of this *chapter to collect information sufficient to allow the legislature and the executive branch to make informed decisions about the merits of existing tax-based incentives and loan programs intended to encourage economic development in the state." [1994 c 302 § 1.]

***Reviser's note:** 1994 c 302 § 2 was vetoed by the governor. 1994 c 302 § 3 is a codification direction and 1994 c 302 § 4 is an emergency clause. The code reviser's office chose not to create a new chapter for the only remaining section, section 1.

RCW 43.163.010 Definitions.

As used in this chapter, the following words and terms have the following meanings, unless the context requires otherwise:

(1) "Authority" means the Washington economic development finance authority created under RCW 43.163.020 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law;

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis;

(3) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from the authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise, or a party who is

seeking or has obtained a financial guaranty from the authority;

(4) "Eligible banking organization" means any organization subject to regulation by the director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state;

(5) "Eligible export transaction" means any preexport or export activity by a person or entity located in the state of Washington involving a sale for export and product sale which, in the judgment of the authority: (a) Will create or maintain employment in the state of Washington, (b) will obtain a material percent of its value from manufactured goods or services made, processed or occurring in Washington, and (c) could not otherwise obtain financing on reasonable terms from an eligible banking organization;

(6) "Eligible farmer" means any person who is a resident of the state of Washington and whose specific acreage qualifying for receipts from the federal department of agriculture under its conservation reserve program is within the state of Washington;

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to carry on business within the state and is seeking financial assistance under RCW 43.163.210;

(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products;

(9) "Financing document" means an instrument executed by the authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower;

(10) "Plan" means the general plan of economic development finance objectives developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090;

(11) "Economic development activities" means activities related to: Manufacturing, processing, research, production, assembly, tooling, warehousing, airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, public broadcasting, pollution control, solid waste disposal, federally qualified hazardous waste facilities, energy generating, conservation, or transmission facilities, and sports facilities and industrial parks and activities conducted within a federally designated enterprise or empowerment zone or geographic area of similar nature;

(12) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (11) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this section;

(13) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but shall be construed to apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice;

(14) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby the authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

[1999 c 294 § 1. Prior: 1994 c 238 § 1; 1994 c 92 § 498; 1989 c 279 § 2.]

Notes:

Effective date--1999 c 294: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 1999]." [1999 c 294 § 2.]

Severability--1994 c 238: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 238 § 6.]

Effective date--1994 c 238: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994]." [1994 c 238 § 7.]

RCW 43.163.020 Economic development finance authority created--Membership.

The Washington economic development finance authority is established as a public body corporate and politic, with perpetual corporate succession, constituting an instrumentality of the state of Washington exercising essential governmental functions. The authority is a public body within the meaning of RCW 39.53.010.

The authority shall consist of eighteen [seventeen] members as follows: The director of the department of community, trade, and economic development, the director of the department of agriculture, the state treasurer, one member from each caucus in the house of representatives

appointed by the speaker of the house, one member from each caucus in the senate appointed by the president of the senate, and ten public members with one representative of women-owned businesses and one representative of minority-owned businesses and with at least three of the members residing east of the Cascades. The public members shall be residents of the state appointed by the governor on the basis of their interest or expertise in trade, agriculture or business finance or jobs creation and development. One of the public members shall be appointed by the governor as chair of the authority and shall serve as chair of the authority at the pleasure of the governor. The authority may select from its membership such other officers as it deems appropriate.

The term of the persons appointed by the governor as public members of the authority, including the public member appointed as chair, shall be four years from the date of appointment, except that the term of three of the initial appointees shall be for two years from the date of appointment and the term of four of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms.

In the event of a vacancy on the authority due to death, resignation or removal of one of the public members, or upon the expiration of the term of one of the public members, the governor shall appoint a successor for the remainder of the unexpired term. If either of the state offices is abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office.

Any public member of the authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing by the affected public member.

The state officials serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Such designations shall be made in writing in such manner as is specified by the rules of the authority.

The members of the authority shall serve without compensation but shall be entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter. The authority may borrow funds from the department for the purpose of reimbursing members for expenses; however, the authority shall repay the department as soon as practicable.

A majority of the authority shall constitute a quorum.

[1995 c 399 § 89; 1990 c 53 § 2; 1989 c 279 § 3.]

RCW 43.163.030 Small businesses--Funding of export transactions.

(1) The authority, in cooperation with the small business export finance assistance center and other export assistance entities, is authorized to develop and conduct a program or programs to provide for the funding of export transactions for small businesses which are unable to obtain funding from private commercial lenders.

(2) The authority is authorized to secure or provide guaranties or insurance for loans and

otherwise to provide for loans for any eligible export transaction. Loans may be made either directly by the authority or through an eligible banking organization. For such purpose, the authority may use funds legally available to it to provide for insurance or to guarantee eligible export transactions for which guaranteed funding has been provided.

(3) The authority shall make every effort to cause guaranties or insurance to be provided from the export-import bank of the United States, the foreign credit insurance association, the small business administration or such other similar or succeeding federal or private programs whose financial performance in the guarantee or insurance of export transactions is sound and recognized in the financial community. The maximum amount payable under any guaranty shall be specifically set forth in writing at the time any such guaranteed funding is entered into by the authority.

(4) Prior to providing or securing a guarantee of funding or otherwise providing for a loan for any eligible export transaction hereunder, the authority shall obtain assurance that there has been made an investigation of the credit of the exporter in order to determine its viability, the economic benefits to be derived from the eligible export transaction, the prospects for repayment, and such other facts as it deems necessary in order to determine that such guaranteed funding is consistent with the purposes of this chapter.

[1989 c 279 § 4.]

Notes:

Small business export finance assistance center: Chapter 43.210 RCW.

RCW 43.163.040 Farmers--Advance financing, agriculture conservation reserve program.

To provide capital for economic development purposes, the authority is authorized to develop and conduct a program or programs to provide advance financing to eligible farmers in respect of the contract payments due to them under the federal department of agriculture conservation reserve program. Such advance financing may be provided in the form of lease, sale, loan or other similar financing transactions.

[1989 c 279 § 5.]

RCW 43.163.050 Pooling of loans.

The authority is authorized to develop and conduct a program or programs to promote small business and agricultural financing in the state through the pooling of loans or portions of loans made or guaranteed through programs administered by federal agencies including the small business or farmers home administrations. For such purpose, the authority may acquire from eligible banking organizations and other financial intermediaries who make or hold loans made or guaranteed through programs administered by the federal small business or farmers home administrations all or portions of such loans, and the authority may contract or coordinate with parties authorized to acquire or pool loans made or guaranteed by a federal agency or with

parties authorized to administer such loan or guarantee programs.

[1990 c 53 § 3; 1989 c 279 § 6.]

RCW 43.163.060 Scope of authority's powers--Duties of other agencies.

(1) The authority is authorized to participate fully in federal and other governmental economic development finance programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements.

(2) The authority shall coordinate its programs with those contributing to a common purpose found elsewhere in the departments of community, trade, and economic development, agriculture or employment security, or any other department or organization of, or affiliated with, the state or federal government, and shall avoid any duplication of such activities or programs provided elsewhere. The departments of community, trade, and economic development, agriculture, employment security and other relevant state agencies shall provide to the authority all reports prepared in the course of their ongoing activities which may assist in the identification of unmet capital financing needs by small-sized and medium-sized businesses in the state.

[1995 c 399 § 90; 1989 c 279 § 7.]

RCW 43.163.070 Use of funds.

The authority may use any funds legally available to it for any purpose specifically authorized by this chapter, or for otherwise improving economic development in this state by assisting businesses and farm enterprises that do not have access to capital at terms and rates comparable to large corporations due to the location of the business, the size of the business, the lack of financial expertise, or other appropriate reasons: PROVIDED, That no funds of the state shall be used for such purposes.

[1990 c 53 § 4; 1989 c 279 § 8.]

RCW 43.163.080 General operating procedures.

(1) The authority shall adopt general operating procedures for the authority. The authority shall also adopt operating procedures for individual programs as they are developed for obtaining funds and for providing funds to borrowers. These operating procedures shall be adopted by resolution prior to the authority operating the applicable programs.

(2) The operating procedures shall include, but are not limited to: (a) Appropriate minimum reserve requirements to secure the authority's bonds and other obligations; (b) appropriate standards for securing loans and other financing the authority provides to borrowers, such as guarantees or collateral; and (c) strict standards for providing financing to borrowers, such as (i) the borrower is a responsible party with a high probability of being able to repay the

financing provided by the authority, (ii) the financing is reasonably expected to provide economic growth or stability in the state by enabling a borrower to increase or maintain jobs or capital in the state, (iii) the borrowers with the greatest needs or that provide the most public benefit are given higher priority by the authority, and (iv) the financing is consistent with any plan adopted by the authority under RCW 43.163.090.

[1994 c 238 § 2; 1990 c 53 § 5; 1989 c 279 § 9.]

Notes:

Severability--Effective date--1994 c 238: See notes following RCW 43.163.010.

RCW 43.163.090 Economic development finance objectives plan.

The authority shall adopt a general plan of economic development finance objectives to be implemented by the authority during the period of the plan. The authority may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the authority shall consider and set objectives for:

- (1) Employment generation associated with the authority's programs;
- (2) The application of funds to sectors and regions of the state economy evidencing need for improved access to capital markets and funding resources;
- (3) Geographic distribution of funds and programs available through the authority;
- (4) Eligibility criteria for participants in authority programs;
- (5) The use of funds and resources available from or through federal, state, local, and private sources and programs;
- (6) Standards for economic viability and growth opportunities of participants in authority programs;
- (7) New programs which serve a targeted need for financing assistance within the purposes of this chapter; and
- (8) Opportunities to improve capital access as evidenced by programs existent in other states or as they are made possible by results of private capital market circumstances.

The authority shall, as part of the finance plan required under this section, develop an outreach and marketing plan designed to increase its financial services to rural counties. As used in this section, "rural counties" means counties smaller than two hundred twenty-five square miles or as defined in RCW 43.168.020.

At least one public hearing shall be conducted by the authority on the plan prior to its adoption. The plan shall be adopted by resolution of the authority no later than November 15, 1990. The authority may periodically update the plan as determined necessary by the authority. The plan or updated plan shall include a report on authority activities conducted since the commencement of authority operation or since the last plan was reported, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the plan.

[2001 c 304 § 1; 1998 c 245 § 50; 1997 c 257 § 1; 1989 c 279 § 10.]

NOTES:

Effective date--2001 c 304: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 14, 2001]." [2001 c 304 § 4.]

RCW 43.163.100 Powers of the authority.

In addition to accomplishing the economic development finance programs specifically authorized in this chapter, the authority may:

- (1) Maintain an office or offices;
- (2) Sue and be sued in its own name, and plead and be impleaded;
- (3) Engage consultants, agents, attorneys, and advisers, contract with federal, state, and local governmental entities for services, and hire such employees, agents and other personnel as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (4) Make and execute all manner of contracts, agreements and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (5) Acquire and hold real or personal property, or any interest therein, in the name of the authority, and to sell, assign, lease, encumber, mortgage, or otherwise dispose of the same in such manner as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (6) Open and maintain accounts in qualified public depositories and otherwise provide for the investment of any funds not required for immediate disbursement, and provide for the selection of investments;
- (7) Appear in its own behalf before boards, commissions, departments, or agencies of federal, state, or local government;
- (8) Procure such insurance in such amounts and from such insurers as the authority deems desirable, including, but not limited to, insurance against any loss or damage to its property or other assets, public liability insurance for injuries to persons or property, and directors and officers liability insurance;
- (9) Apply for and accept subventions, grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held, used and applied as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (10) Establish guidelines for the participation by eligible banking organizations in programs conducted by the authority under this chapter;
- (11) Act as an agent, by agreement, for federal, state, or local governmental entities to carry out the programs authorized in this chapter;
- (12) Establish, revise, and collect such fees and charges as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (13) Make such expenditures as are appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter: PROVIDED, That expenditures with respect to the economic development financing programs of the authority shall not be made from funds of the state;
- (14) Establish such reserves and special funds, and controls on deposits to and

disbursements from them, as the authority deems necessary, useful, or convenient to accomplish its purposes;

(15) Give assistance to public bodies by providing information, guidelines, forms, and procedures for implementing their financing programs;

(16) Prepare, publish and distribute, with or without charge, such studies, reports, bulletins, and other material as the authority deems necessary, useful, or convenient to accomplish its purposes;

(17) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(18) Adopt rules concerning its exercise of the powers authorized by this chapter; and

(19) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

[1990 c 53 § 6; 1989 c 279 § 11.]

RCW 43.163.110 Restrictions on authority's activity.

Notwithstanding any other provision of this chapter, the authority shall not:

(1) Give any state money or property or loan any state money or credit to or in aid of any individual, association, company, or corporation, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation;

(2) Issue bills of credit or accept deposits of money for time or demand deposit, administer trusts, engage in any form or manner in, or in the conduct of, any private or commercial banking business, or act as a savings bank or savings and loan association other than as provided in this chapter;

(3) Be or constitute a bank or trust company within the jurisdiction or under the control of the director of financial institutions, the comptroller of the currency of the United States of America or the treasury department thereof;

(4) Be or constitute a bank, broker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' law of the United States of America or the state;

(5) Engage in the financing of housing as provided for in chapter 43.180 RCW;

(6) Engage in the financing of health care facilities as provided for in chapter 70.37 RCW; or

(7) Engage in financing higher education facilities as provided for in chapter 28B.07 RCW.

[1994 c 92 § 499; 1989 c 279 § 12.]

RCW 43.163.120 Staffing, restrictions--Authority not to receive appropriated state funds.

The authority shall receive no appropriation of state funds. The department of community, trade, and economic development shall provide staff to the authority, to the extent permitted by law, to enable the authority to accomplish its purposes; the staff from the

department of community, trade, and economic development may assist the authority in organizing itself and in designing programs, but shall not be involved in the issuance of bonds or in making credit decisions regarding financing provided to borrowers by the authority.

[1998 c 245 § 51; 1994 c 238 § 3; 1989 c 279 § 13.]

Notes:

Severability--Effective date--1994 c 238: See notes following RCW 43.163.010.

RCW 43.163.130 Nonrecourse revenue bonds--Issuance.

(1) The authority may issue its nonrecourse revenue bonds in order to obtain the funds to carry out the programs authorized in this chapter. The bonds shall be special obligations of the authority, payable solely out of the special fund or funds established by the authority for their repayment.

(2) Any bonds issued under this chapter may be secured by a financing document between the authority and the purchasers or owners of such bonds or between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state.

(a) The financing document may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof.

(b) The financing document may contain such provisions for protecting and enforcing the rights, security, and remedies of bondowners as may be reasonable and proper, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event of default which may include the acceleration of maturities, restrictions on the individual rights of action by bondowners, and covenants setting forth duties of and limitations on the authority in conduct of its programs and the management of its property.

(c) In addition to other security provided in this chapter or otherwise by law, bonds issued by the authority may be secured, in whole or in part, by financial guaranties, by insurance or by letters of credit issued to the authority or a trustee or any other person, by any bank, trust company, insurance or surety company or other financial institution, within or without the state. The authority may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof, as security for such guaranties or insurance or for the reimbursement by the authority to any issuer of such letter of credit of any payments made under such letter of credit.

(3) Without limiting the powers of the authority contained in this chapter, in connection with each issue of its obligation bonds, the authority shall create and establish one or more special funds, including, but not limited to debt service and sinking funds, reserve funds, project funds, and such other special funds as the authority deems necessary, useful, or convenient.

(4) Any security interest created against the unexpended bond proceeds and against the special funds created by the authority shall be immediately valid and binding against the money and any securities in which the money may be invested without authority or trustee possession.

The security interest shall be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 9A of the Uniform Commercial Code, Title 62A RCW, and regardless of whether the party has notice of the security interest.

(5) The bonds may be issued as serial bonds, term bonds or any other type of bond instrument consistent with the provisions of this chapter. The bonds shall bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form; bear such privileges of transferability, exchangeability, and interchangeability; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time or times, and at such price or prices as the authority shall determine. The bonds shall be executed by the manual or facsimile signatures of the authority's chair and either its secretary or executive director, and may be authenticated by the trustee (if the authority determines to use a trustee) or any registrar which may be designated for the bonds by the authority.

(6) Bonds may be issued by the authority to refund other outstanding authority bonds, at or prior to maturity of, and to pay any redemption premium on, the outstanding bonds. Bonds issued for refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee regarding the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of, the bonds to be redeemed.

(7) The bonds of the authority may be negotiable instruments under Title 62A RCW.

(8) Neither the members of the authority, nor its employees or agents, nor any person executing the bonds shall be personally liable on the bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds.

(9) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel or resell the bonds subject to and in accordance with agreements with bondowners.

(10) The authority shall not exceed seven hundred fifty million dollars in total outstanding debt at any time.

(11) The state finance committee shall be notified in advance of the issuance of bonds by the authority in order to promote the orderly offering of obligations in the financial markets.

(12) The authority may not issue any bonds after June 30, 2006.

[2001 c 304 § 2; 2001 c 32 § 2; 1998 c 48 § 1; 1994 c 238 § 5; 1989 c 279 § 14.]

NOTES:

Reviser's note: This section was amended by 2001 c 32 § 2 and by 2001 c 304 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--2001 c 304: See note following RCW 43.163.090.

Effective date--2001 c 32: See note following RCW 62A.9A-102.

Severability--Effective date--1994 c 238: See notes following RCW 43.163.010.

RCW 43.163.140 Nonrecourse revenue bonds--Contracts--Restrictions.

(1) Bonds issued by the authority under this chapter shall not be deemed to constitute obligations, either general, special or moral, of the state or of any political subdivision of the state, or pledge of the faith and credit of the state or of any political subdivision, or general obligations of the authority. The bonds shall be special obligations of the authority and shall be payable solely from the special fund or funds created by the authority for their repayment. The issuance of bonds under this chapter shall not obligate, directly, indirectly, or contingently, the state or any political subdivision of the state to levy any taxes or appropriate or expend any funds for the payment of the principal or the interest on the bonds. The substance of the limitations included in this paragraph shall be plainly printed, written, engraved, or reproduced on each bond and in any disclosure document prepared in conjunction with the offer and sale of bonds.

(2) Neither the proceeds of bonds issued under this chapter nor any money used or to be used to pay the principal of, premium, if any, or interest on the bonds shall constitute public money or property. All of such money shall be kept segregated and set apart from funds of the state and any political subdivision of the state and shall not be subject to appropriation or allotment by the state or subject to the provisions of chapter 43.88 RCW.

(3) Contracts entered into by the authority shall be entered into in the name of the authority and not in the name of the state. The obligations of the authority under such contracts shall be obligations only of the authority and shall not, in any way, constitute obligations of the state.

[1989 c 279 § 15.]

RCW 43.163.150 Nonrecourse revenue bonds--Financing documents, scope.

The authority may enter into financing documents with borrowers regarding bonds issued by the authority that may provide for the payment by each borrower of amounts sufficient, together with other revenues available to the authority, if any, to: (1) Pay the borrower's share of the fees established by the authority; (2) pay the principal of, premium, if any, and interest on outstanding bonds of the authority issued in respect of such borrower as the same shall become due and payable; and (3) create and maintain reserves required or provided for by the authority in connection with the issuance of such bonds. The payments shall not be subject to supervision or regulation by any department, committee, board, body, bureau, or agency of the state other than the authority.

[1989 c 279 § 16.]

RCW 43.163.160 Nonrecourse revenue bonds--Money received shall be trust funds.

All money received by or on behalf of the authority with respect to this issuance of its bonds shall be trust funds to be held and applied solely as provided in this chapter. The authority, in lieu of receiving and applying the moneys itself, may enter into trust agreement or indenture with one or more banks or trust companies having the power and authority to conduct trust

business in the state to:

(1) Perform all of any part of the obligations of the authority with respect to: (a) Bonds issued by it; (b) the receipt, investment and application of the proceeds of the bonds and money paid by a participant or available from other sources for the payment of the bonds; (c) the enforcement of the obligations of a borrower in connection with the financing or refinancing of any project; and (d) other matters relating to the exercise of the authority's powers under this chapter;

(2) Receive, hold, preserve, and enforce any security interest or evidence of security interest granted by a participant for purposes of securing the payment of the bonds; and

(3) Act on behalf of the authority or the owners of bonds of the authority for purposes of assuring or enforcing the payment of the bonds, when due.

[1989 c 279 § 17.]

RCW 43.163.170 Nonrecourse revenue bonds--Owner and trustee, enforcement of rights.

Any owner of bonds of the authority issued under this chapter, and the trustee under any trust agreement or indenture, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any of their respective rights, and may become the purchaser at any foreclosure sale if the person is the highest bidder, except to the extent the rights given are restricted by the authority in any bond resolution or trust agreement or indenture authorizing the issuance of the bonds.

[1989 c 279 § 18.]

RCW 43.163.180 Nonrecourse revenue bonds as legal investment.

The bonds or [of] the authority are securities in which all public officers and bodies of this state and all counties, cities, municipal corporations and political subdivisions, all banks, eligible banking organizations, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control.

[1989 c 279 § 19.]

RCW 43.163.190 Chapter as an alternative bond issuance method.

This chapter provides a complete, additional and alternative method for accomplishing the purposes of this chapter and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

[1989 c 279 § 20.]

RCW 43.163.200 Construction.

Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter are controlling.

[1989 c 279 § 21.]

RCW 43.163.210 Nonrecourse revenue bond financing--Economic development activities--New products.

For the purpose of facilitating economic development in the state of Washington and encouraging the employment of Washington workers at meaningful wages:

(1) The authority may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for economic development activities.

(2) The authority may develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program.

(a) For the purposes of this program, the authority shall have the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and accrue to it;

(ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority;

(iii) Negotiate royalty payments to the authority on patents and licenses for products arising as a result of assistance provided by the authority;

(iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution;

(v) Encourage and provide technical assistance to eligible persons in the process of developing new products;

(vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations; and

(vii) To the extent permitted under its contract with eligible persons, to consent to a

termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party.

(b) Eligible persons seeking financial and other assistance under this program shall forward an application, together with an application fee prescribed by rule, to the authority. An investigation and report concerning the advisability of approving an application for assistance shall be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of the proposed product and invention to be granted financial aid, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application shall be approved or denied by the authority. The applicant shall be promptly notified of action by the authority. In making the decision as to approval or denial of an application, priority shall be given to those persons operating or planning to operate businesses of special importance to Washington's economy, including, but not limited to: (i) Existing resource-based industries of agriculture, forestry, and fisheries; (ii) existing advanced technology industries of electronics, computer and instrument manufacturing, computer software, and information and design; and (iii) emerging industries such as environmental technology, biotechnology, biomedical sciences, materials sciences, and optics.

(3) The authority may also develop and implement, if authorized by the legislature, such other economic development financing programs adopted in future general plans of economic development finance objectives developed under RCW 43.163.090.

(4) The authority may not issue any bonds for the programs authorized under this section after June 30, 2006.

[2001 c 304 § 3; 1998 c 48 § 2; 1997 c 257 § 2; 1996 c 310 § 1; 1994 c 238 § 4.]

NOTES:

Effective date--2001 c 304: See note following RCW 43.163.090.

Effective date--1996 c 310 § 1: "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1996]." [1996 c 310 § 3.]

Severability--Effective date--1994 c 238: See notes following RCW 43.163.010.

RCW 43.163.901 Severability--1989 c 279.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 c 279 § 26.]

Chapter 43.165 RCW

COMMUNITY REVITALIZATION TEAM--ASSISTANCE TO DISTRESSED AREAS

Sections

43.165.010 Definitions.

RCW 43.165.010 Definitions.

Unless the context clearly requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department.

(3) "Distressed area" means: (a) A county that has an unemployment rate that is twenty percent above the state-wide average for the previous three years; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a community or area that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base due to decline of its dominant industries; or (d) an area within a county which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Economic development revolving loan funds" means a local, not-for-profit or governmentally sponsored business loan program.

(5) "Team" means the community revitalization team.

(6) "Technical assistance" includes, but is not limited to, assistance with strategic planning, market research, business plan development review, organization and management development, accounting and legal services, grant and loan packaging, and other assistance which may be expected to contribute to the redevelopment and economic well-being of a distressed area.

[1996 c 290 § 2; 1995 c 399 § 91; 1987 c 461 § 1; 1985 c 229 § 1.]

Chapter 43.168 RCW

WASHINGTON STATE DEVELOPMENT LOAN FUND COMMITTEE

Sections

43.168.010 Legislative findings and declaration.

43.168.020 Definitions.

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| 43.168.040 | Approval of applications for federal community development block grant funds for projects. |
| 43.168.050 | Application approval--Conditions and limitations. |
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| 43.168.110 | Rural Washington loan fund. |
| 43.168.120 | Guidelines for use of funds for existing economic development revolving loan funds--Grants to local governments to assist existing economic development revolving loan funds. |
| 43.168.130 | Development of performance standards. |
| 43.168.150 | Minority and women-owned businesses--Application process--Joint loan guarantee program. |
| 43.168.900 | Severability--1985 c 164. |

NOTES:

Community economic revitalization board to cooperate with committee: RCW 43.160.115.

Public disclosure: RCW 42.17.310.

RCW 43.168.010 Legislative findings and declaration.

The legislature finds that:

(1) The economic health and well-being of the state, particularly in areas of high unemployment, economic stagnation, and poverty, is of substantial public concern.

(2) The consequences of minimal economic activity and persistent unemployment and underemployment are serious threats to the safety, health, and welfare of residents of these areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(3) The economic and social interdependence of communities and the vitality of industrial and economic activity necessitates, and is in part dependent on preventing substantial dislocation of residents and rebuilding the diversification of the areas' economy.

(4) The ability to remedy problems in stagnant areas of the state is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the problems of poverty and unemployment.

(5) The revitalization of depressed communities requires the stimulation of private investment, the development of new business ventures, the provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but under-financed, small businesses in order to create and preserve jobs that are sustainable in the local economy.

Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in areas of economic stagnation, unemployment, and poverty. To accomplish this purpose, the legislature hereby creates the rural Washington loan fund and vests in the department of community, trade, and economic development the authority to spend federal funds to stimulate the economy of distressed areas.

[1999 c 164 § 501; 1985 c 164 § 1.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:
See notes following RCW 43.160.010.

RCW 43.168.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of community, trade, and economic development.

(3) "Distressed area" means: (a) A rural county; (b) a county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (c) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (d) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (e) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (f) a county designated as a rural natural resources impact area under *RCW 43.31.601 if an application is filed by July 1, 1997. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Fund" means the rural Washington loan fund.

(5) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(6) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

(7) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

[1999 c 164 § 502; 1996 c 290 § 3; 1995 c 226 § 27; 1993 c 280 § 56; 1991 c 314 § 19; 1988 c 42 § 18; 1987 c 461 § 2; 1985 c 164 § 2.]

NOTES:

***Reviser's note:** RCW 43.31.601 was repealed by 1995 c 226 § 35, effective June 30, 2001.

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:
See notes following RCW 43.160.010.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.160.020.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1991 c 314: See note following RCW 43.160.020.

Severability--1988 c 42: See note following RCW 4.24.480.

RCW 43.168.031 State development loan fund committee--Terminated June 30, 1994--Powers and duties transferred.

The Washington state development loan fund committee shall be terminated on June 30, 1994, and its powers and duties transferred to the director of the department of community, trade, and economic development.

[1995 c 399 § 92; 1988 c 186 § 7.]

RCW 43.168.040 Approval of applications for federal community development block grant funds for projects.

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of local governments for federal community development block grant funds which the local governments would use to make loans to finance business projects within their jurisdictions. Applications approved by the committee under this chapter shall conform to applicable federal requirements.

[1987 c 461 § 3; 1985 c 164 § 4.]

RCW 43.168.050 Application approval--Conditions and limitations.

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities, the maintenance of threatened employment, or development or expansion of business ownership by minorities and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, the employment of disadvantaged workers, and development or expansion of business ownership by minorities and women, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate

reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5)(a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the *Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) For loans not made to minority and women-owned businesses, the committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. For loans not made to minority and women-owned businesses, the committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

(12) For loans to minority and women-owned businesses who do not meet the credit criteria, the committee may consider nontraditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses in the economy. For applicants with high potential who do not meet the credit criteria, the committee shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the committee shall provide financial counseling within available resources and provide referrals to credit rehabilitation services. In circumstances of competing applications, priority shall be given to members of eligible groups which previously have been least served by

this fund.

[1993 c 512 § 12; 1990 1st ex.s. c 17 § 74; 1989 c 430 § 9; 1987 c 461 § 4; 1986 c 204 § 2; 1985 c 164 § 5.]

Notes:

***Reviser's note:** The "Washington state development loan fund" was renamed the "rural Washington loan fund" pursuant to 1999 c 164 § 504.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Legislative findings--Severability--1989 c 430: See notes following RCW 43.31.502.

RCW 43.168.055 Application priorities.

In addition to the requirements of RCW 43.168.050, the department shall, subject to applicable federal funding criteria, give priority to applications that capitalize or recapitalize an existing or new local revolving fund based on criteria established by the department.

[1999 c 164 § 503.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

RCW 43.168.060 Staff support and other duties of department--Rules.

The department shall provide adequate and appropriate staff and other support to the committee. A record of committee proceedings shall be maintained by the department. The department is encouraged to work with local development organizations to promote applications for loans by the fund. The department shall also provide assistance to local development organizations and local governments to identify viable projects for consideration by the committee. The department shall adopt such rules and regulations as are appropriate for the committee to carry out its authority under this chapter.

[1985 c 164 § 6.]

RCW 43.168.070 Processing of applications--Contents of applications.

The committee may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The committee shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods to hire unemployed persons from the area. Each application shall contain a credit analysis of the business to receive the loan. The chairperson of the committee may convene the committee on short notice to respond to applications of a serious or immediate nature.

[1993 c 512 § 14; 1987 c 461 § 5; 1985 c 164 § 7.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.168.090 Availability of funds for committee use.

The department shall make available for use by the committee an amount of federal community development block grant funds equal to the amount of state funds transferred or appropriated to the department for purposes of supplementing the department's block grant funds.

[1985 c 164 § 9.]

RCW 43.168.100 Entitlement community grants--Conditions.

The committee may make grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements; and (3) spend at least the same amount of the grant for loans to businesses from the federal funds received by the entitlement community.

[1993 c 512 § 15; 1986 c 204 § 1; 1985 c 164 § 10.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.168.110 Rural Washington loan fund.

There is established the rural Washington loan fund which shall be an account in the state treasury. All loan payments of principal and interest which are transferred under RCW 43.168.050 shall be deposited into the account. Moneys in the account may be spent only after legislative appropriation for loans under this chapter. Any expenditures of these moneys shall conform to federal law.

[1999 c 164 § 504; 1992 c 235 § 11; 1985 c 164 § 11.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

RCW 43.168.120 Guidelines for use of funds for existing economic development revolving loan funds--Grants to local governments to assist existing economic development revolving loan funds.

(1) The department shall develop guidelines for rural Washington loan funds to be used

to fund existing economic development revolving loan funds. Consideration shall be given to the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to minimize duplication between rural Washington loan funds and local economic development revolving loan funds.

(2) If it appears that all of the funds appropriated to the fund for a biennium will not be fully granted to local governments within that biennium, the department may make available up to twenty percent of the eighty percent of the funds available to projects in distressed areas under RCW 43.168.050(10) for grants to local governments to assist existing economic development revolving loan funds in distressed areas. The grants to local governments shall be utilized to make loans to businesses that meet the specifications for loans under this chapter. The local governments shall, to the extent permitted under federal law, agree to convey to the fund the principal and interest payments from existing loans that the local governments have made through their revolving loan funds. Under circumstances where the federal law does not permit the department to require such transfer, the department shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

[1999 c 164 § 505; 1987 c 461 § 6.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:
See notes following RCW 43.160.010.

RCW 43.168.130 Development of performance standards.

The committee shall develop performance standards for judging the effectiveness of the program. Such standards shall include, to the extent possible, examining the effectiveness of grants in regard to:

- (1) Job creation for individuals of low and moderate income;
- (2) Retention of existing employment;
- (3) The creation of new employment opportunities;
- (4) The diversification of the economic base of local communities;
- (5) The establishment of employee cooperatives;
- (6) The provision of assistance in cases of employee buy-outs of firms to prevent the loss of existing employment;
- (7) The degree of risk assumed by the *development loan fund, with emphasis on loans which did not receive financing from commercial lenders, but which are considered financially sound.

[1998 c 245 § 52; 1987 c 461 § 7.]

Notes:

***Reviser's note:** The "Washington state development loan fund" was renamed the "rural Washington loan fund" pursuant to 1999 c 164 § 504.

RCW 43.168.150 Minority and women-owned businesses--Application process--Joint loan guarantee program.

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the committee under this chapter shall conform to applicable federal requirements. The committee shall prioritize available funds for loan guarantees rather than loans when possible. The committee may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned businesses. If such a program is developed, the committee may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the committee from making individual loan guarantees.

To the maximum extent practicable, the funds available under this section shall be made available on an equal basis to minority and women-owned businesses. The committee shall submit to the appropriate committees of the senate and house of representatives quarterly reports that detail the number of loans approved and the characteristics of the recipients by ethnic and gender groups.

[1993 c 512 § 13.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.168.900 Severability--1985 c 164.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1985 c 164 § 15.]

Chapter 43.170 RCW
SMALL BUSINESS INNOVATORS' OPPORTUNITY PROGRAM

Sections

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| 43.170.010 | Legislative findings. |
| 43.170.020 | Definitions. |
| 43.170.030 | Small business innovators' opportunity program--Pilot project established--Composition and structure--User fee. |
| 43.170.040 | Chairman of program. |
| 43.170.060 | Eligibility. |
| 43.170.070 | Referral to investment opportunities office. |

RCW 43.170.010 Legislative findings.

The legislature recognizes the numerous benefits to the state's economic base from the establishment of small businesses by innovators and inventors and the numerous benefits

provided by inventors and innovators through industrial diversification, broadening of the economic base, and providing financial benefits to our citizens and new products to the nation's consumers.

It is estimated that ninety-five percent of all inventions and innovations are never authoritatively considered primarily because inventors are unfamiliar with the business environment or financial structure necessary for implementing their proposals.

The legislature therefore recognizes a need to encourage and assist innovators and inventors.

[1982 c 44 § 1.]

RCW 43.170.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of community, trade, and economic development.

(3) "Program" means the small business innovators' opportunity program.

(4) "Inventor" or "innovator" means one who thinks of, imagines, or creates something new which may result in a device, contrivance, or process for the first time, through the use of the imagination or ingenious thinking and experimentation.

(5) "Proposal" means a plan provided by an inventor or innovator on an idea for an invention or an improvement.

(6) "Higher education" means any university, college, community college, or technical institute in this state.

[1995 c 399 § 93; 1985 c 466 § 60; 1982 c 44 § 2.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.170.030 Small business innovators' opportunity program--Pilot project established--Composition and structure--User fee.

The department, in cooperation with institutions of higher education, shall establish as a pilot project a small business innovators' opportunity program to provide a professional research and counseling service on a user fee basis to inventors, innovators, and the business community.

The composition and organizational structure of the program shall be determined by the department in a manner which will foster the continuation of the program without state funding at the end of the pilot project established by this chapter. The department shall provide staff support for the program for the duration of the pilot project. The program shall:

(1) Receive proposals from inventors and innovators;

(2) Review proposals for accuracy and evaluate their prospects for marketability;

(3) Cooperate with institutions of higher education to evaluate proposals for

marketability, suitability for patent rights, and for the provision of professional research and counseling;

(4) Provide assistance to the innovators and inventors as appropriate; and

(5) Have the power to receive funds, contract with institutions of higher education, and carry out such other duties as are deemed necessary to implement this chapter.

The user fee shall be set by the director in an amount which is designed to recover the cost of the services provided.

[1995 c 399 § 94; 1985 c 466 § 61; 1982 c 44 § 3.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.170.040 Chairman of program.

The director shall be the chairman of the program during the pilot project.

[1982 c 44 § 4.]

RCW 43.170.060 Eligibility.

Only businesses with fifty employees or less which are not subsidiaries of another business and individuals are eligible to participate in the program.

[1982 c 44 § 6.]

RCW 43.170.070 Referral to investment opportunities office.

Any innovation or inventor receiving assistance under this program shall be referred to the investment opportunities office operated by the department.

[1995 c 399 § 95; 1989 c 312 § 9.]

Notes:

Severability--1989 c 312: See note following RCW 43.31.403.

Investment opportunities office: RCW 43.31.403.

**Chapter 43.172 RCW
MINORITY AND WOMEN-OWNED BUSINESSES--SMALL BUSINESS BONDING
ASSISTANCE PROGRAM**

Sections

| | |
|------------|---|
| 43.172.005 | Intent. |
| 43.172.010 | Definitions. |
| 43.172.011 | Definitions--Bonding program. |
| 43.172.020 | Small business bonding assistance program--Implementation--Rules. |
| 43.172.030 | Assistance from other agencies. |
| 43.172.040 | Entrepreneurial training course. |

| | |
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| 43.172.050 | Entrepreneurial accreditation of small contracting businesses. |
| 43.172.060 | Professional services assistance--One-time grants. |
| 43.172.070 | Grant administration. |
| 43.172.080 | Bond guarantees--Generally. |
| 43.172.090 | Bond guarantees--Approval process. |
| 43.172.100 | Small business bonding assistance program fund--Expenditures. |
| 43.172.110 | Small business bonding assistance program fund--Support. |
| 43.172.120 | Gifts, grants, endowments. |
| 43.172.900 | Short title--1993 c 512. |
| 43.172.901 | Part headings and section captions--1993 c 512. |
| 43.172.902 | Severability--1993 c 512. |
| 43.172.903 | Effective date--1993 c 512. |

Notes:

Minority and women business development office: RCW 43.31.0925.

RCW 43.172.005 Intent.

It is the intent of the legislature to combat discrimination in the economy.

(1) The legislature finds that discrimination is in part responsible for:

(a) The disproportionately small percentage of the state's businesses that are owned by minorities and women;

(b) The limited and unequal opportunity minority and women entrepreneurs and business owners have to procure small business financing; and

(c) The difficulty many minority and women-owned contracting businesses have in securing bonds and contract work.

(2) The legislature further finds that:

(a) Many minority and women entrepreneurs and business owners lack training in how to establish and operate a business. This lack of training inhibits their competitiveness when they apply for business loans, bonds, and contracts;

(b) Minorities and women are an increasingly expanding portion of the population and work force. In order for these individuals to fully contribute to the society and economy it is necessary to ensure that minority and women entrepreneurs and business owners are provided an equal opportunity to procure small business financing, bonds, and contracts; and

(c) The growth of small businesses will have a favorable impact on the Washington economy by creating jobs, increasing competition in the marketplace, and expanding tax revenues. Access to financial markets, bonds, and contracts by entrepreneurs and small business owners is vital to this process. Without reasonable access to financing, bonds, and contracts, talented and aggressive entrepreneurs and small business owners are cut out of the economic system and the state's economy suffers.

(3) Therefore, the legislature declares there to be a substantial public purpose in providing technical assistance in the areas of marketing, finance, and management, and access to capital resources, bonds, and contracts, to help start or expand a minority or women-owned

business, and specifically to encourage and make possible greater participation by minorities and women in international trade, public works and construction, and public facility concessions. To accomplish these purposes, it is the intent of the legislature to:

(a) Develop or contract for training courses in financing, marketing, managing, accounting, and recordkeeping for a small business and to make these programs available to minority and women entrepreneurs and small business owners;

(b) Make public works and construction projects, public facility concessions, and purchase of goods and services accessible to a greater number of minority and women-owned businesses;

(c) Provide for the lending of nonstate funds to qualified minority and women entrepreneurs and business owners in order to provide the maximum practicable opportunity for innovative minority and women entrepreneurs and business owners to compete for small business financing; and

(d) Provide professional services assistance grants and bond guarantees on behalf of qualified contractors in order to provide the maximum practicable opportunity for minority and women-owned contracting businesses to participate in the Washington state economy by bidding and completing various public and private contracting jobs.

[1993 c 512 § 1.]

Notes:

Linked deposit program: RCW 43.86A.060.

RCW 43.172.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Minority" means persons of color, including African-Americans, Hispanic/Latino Americans, Native Americans, and Asian/Pacific Islanders Americans;

(2) "Minority and women-owned business" means any resident minority business enterprise or women's business enterprise, certified as such by the office of minority and women's business enterprises under chapter 39.19 RCW and consistent with subsection (1) of this section.

[1993 c 512 § 2.]

RCW 43.172.011 Definitions--Bonding program.

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.172.020 through 43.172.110.

(1) "Approved surety company" means a surety company approved by the department for participation in providing direct bonding assistance to qualified contractors.

(2) "Bond" means any bond or security required for bid, payment, or performance of contracts.

(3) "Department" means the department of community, trade, and economic development.

(4) "Program" means the Washington state small business bonding assistance program provided for in this chapter.

(5) "Qualified contractor" means any resident minority business enterprise or women's business enterprise, as determined by the department to be consistent with the requirements of chapter 39.19 RCW and engaged in the contracting business, which has obtained a certificate of accreditation from the Washington state small business bonding assistance program.

[1995 c 399 § 96; 1993 c 512 § 16.]

RCW 43.172.020 Small business bonding assistance program--Implementation--Rules.

There is established within the department the Washington state small business bonding assistance program to assist resident minority and women-owned small contracting businesses to acquire the managerial and financial skills, standards, and assistance necessary to enable them to obtain bid, payment, and performance bonds from surety companies for either advertised or designated contracts. The department shall implement the program by establishing a course of instruction as set forth in RCW 43.172.040. The department shall encourage surety companies and other private interests to help implement this course of instruction to assist minority and women-owned small contracting businesses. The department shall adopt rules to ensure the proper implementation of the program set forth in this chapter.

[1995 c 399 § 97; 1993 c 512 § 17.]

RCW 43.172.030 Assistance from other agencies.

The department shall seek information, advice, and assistance from regional minority contractor organizations, and the United States small business administration and any other appropriate organization or agency.

The following departments, offices, and agencies shall, at the request of the department, provide information, advice, and assistance to the department:

- (1) The department of general administration;
- (2) The Washington state *business assistance center;
- (3) The office of the insurance commissioner;
- (4) The Washington state economic development finance authority; and
- (5) The office of minority and women's business enterprises.

[1993 c 512 § 18.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

RCW 43.172.040 Entrepreneurial training course.

The *business assistance center shall modify the entrepreneurial training course established in RCW 43.31.093 in order to provide instruction which is appropriate to the specific needs of contracting businesses. This course of instruction shall be available to resident minority and women-owned small business contractors. The instruction shall be intensive, practical training courses in financing, bidding for contracts, managing, accounting, and recordkeeping for a contracting business, with an emphasis on federal, state, local, or private programs available to assist small contractors. The *business assistance center shall appoint professional instructors, with practical knowledge and experience in the field of small business contracting, to teach those courses developed to meet the specific needs of contracting businesses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for people in the contracting business.

[1993 c 512 § 19.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

RCW 43.172.050 Entrepreneurial accreditation of small contracting businesses.

Any resident minority or women-owned small business contractor may select a key management employee or employees to attend any course of instruction established under RCW 43.31.093. When the records, maintained by the *business assistance center, indicate that a key management employee of a small contracting business has attended all the courses offered, and has successfully completed any tests required, the department shall award the small contracting business a certificate of accreditation which acknowledges successful completion of the courses. The department may also award a certificate of accreditation if a review of the key management employee's education, experience, and business history indicates that the business already possesses the knowledge and skills offered through the course of instruction, or if the key management employee successfully completes all tests required of those who attend the entrepreneurial training course.

[1993 c 512 § 20.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

RCW 43.172.060 Professional services assistance--One-time grants.

Any qualified contractor seeking a grant for professional services assistance may apply to the department. If approved, the department may enter into an agreement to provide a grant of up to two thousand five hundred dollars on behalf of a qualified contractor for the acquisition of the professional services of certified public accountants, construction management companies, or any other technical, surety, financial, or managerial professionals. This assistance is only available to a qualified contractor on a one-time basis.

[1993 c 512 § 21.]

RCW 43.172.070 Grant administration.

The department shall administer all grants issued to assist qualified contractors and shall monitor the performance of all grant recipients in order to provide such further assistance as is necessary to ensure that all program requirements are met and that the program's purpose is fulfilled. However, nothing in this chapter should be construed to restrict the rendering of program services to any qualified contractor over and above the services provided by the grant.

[1993 c 512 § 22.]

RCW 43.172.080 Bond guarantees--Generally.

If a qualified contractor makes a bond application to an approved surety company for a public or private contracting job, but fails to obtain the bond because the contractor is unable to meet the requirements of the surety company on such bonding contracts, for reasons other than nonperformance, and if the approved surety company applies to the department to have the bond guaranteed by the program, then the department may provide a bond guarantee of up to seventy-five thousand dollars on behalf of the qualified contractor.

[1993 c 512 § 23.]

RCW 43.172.090 Bond guarantees--Approval process.

Upon receipt of an approved surety company's application for a bond guarantee, the program supervisor shall review the application in order to verify that:

- (1) The bond being sought by the qualified contractor is needed;
- (2) The contracting job is within the qualified contractor's capability to perform; and
- (3) The qualified contractor has not been denied a bond due to nonperformance.

Based upon subsections (1) through (3) of this section, the department shall either approve or disapprove the application. If the application is approved, the department has the authority to enter into a contract with the approved surety company. Under the terms of this contract the approved surety company shall enter into a contract with, and issue the required bond to, the qualified contractor at the standard fees and charges usually made by the company for the type and amount of the bond issued. The bond issued by the approved surety company shall be guaranteed by money in the program fund. The approved surety company shall also agree to make a reasonable, good faith effort to pursue and collect any claims it may have against a qualified contractor who defaults on a bond guaranteed by the program, including, but not limited to, the institution of legal proceedings against the defaulting contractor, prior to collecting on the guarantee.

[1993 c 512 § 24.]

RCW 43.172.100 Small business bonding assistance program fund--Expenditures.

The Washington state small business bonding assistance program fund is created in the state treasury. Any amounts appropriated, donated, or granted to the program shall be deposited and credited to the program fund. Moneys in the program fund may be spent only after appropriation. Expenditures from the program fund shall only be used as follows:

- (1) To pay the implementation costs of the program provided for in this chapter;
- (2) To be disbursed by the department to enable qualified contractors to obtain services provided for in this chapter; and
- (3) To guarantee bonds issued pursuant to RCW 43.172.080 and 43.172.090 and to pay such bonds in the event of default by a qualified contractor.

However, the full faith and credit of the state of Washington shall not be used to secure the bonds and the state's liability shall be limited to the money appropriated by the legislature.

[1993 c 512 § 25.]

RCW 43.172.110 Small business bonding assistance program fund--Support.

The department shall solicit funds and support from surety companies and other public and private entities with an interest in assisting Washington's small business contractors and may enter into agreements with such companies and interests by which they provide funds to the program fund to be matched with funds from nonstate sources.

[1993 c 512 § 26.]

RCW 43.172.120 Gifts, grants, endowments.

The department may receive gifts, grants, and endowments from public or private sources that may be made from time to time, in trust or otherwise, for the use and benefit of the Washington state small business bonding assistance program and spend gifts, grants, endowments or any income from the public or private sources according to their terms.

[1993 c 512 § 27.]

RCW 43.172.900 Short title--1993 c 512.

This act may be known and cited as the omnibus minority and women-owned businesses assistance act.

[1993 c 512 § 38.]

RCW 43.172.901 Part headings and section captions--1993 c 512.

Part headings and section captions as used in this act do not constitute part of the law.

[1993 c 512 § 40.]

RCW 43.172.902 Severability--1993 c 512.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 c 512 § 41.]

RCW 43.172.903 Effective date--1993 c 512.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

[1993 c 512 § 42.]

**Chapter 43.175 RCW
GOVERNOR'S SMALL BUSINESS IMPROVEMENT COUNCIL**

Sections

| | |
|------------|---|
| 43.175.010 | Governor's small business improvement council--Established--Membership--Travel expenses--Staff support and administrative assistance. |
| 43.175.020 | Duties. |
| 43.175.901 | Severability--1984 c 282. |

RCW 43.175.010 Governor's small business improvement council--Established--Membership--Travel expenses--Staff support and administrative assistance.

(1) There is established the governor's small business improvement council to consist of at least fifteen but not more than thirty members, including one member of each caucus in the house of representatives and the senate, to be appointed by the governor. In making the appointments, the governor shall consider the recommendations of business organizations and persons operating small businesses, and provide for the representation of women or members of minority groups, and agribusiness concerns. The governor shall appoint ex officio nonvoting members to the council from the various state agencies with business assistance services or responsibilities. Members of the governor's small business improvement council shall be appointed for terms of four years, but the governor may modify the terms of the initial members as necessary to achieve staggered terms.

(2) Members of the governor's small business improvement council shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 subject to legislative appropriation.

(3) The office of the governor shall provide staff support and administrative assistance to

the council.

[1987 c 348 § 6; 1985 c 466 § 62; 1984 c 282 § 7.]

Notes:

Legislative findings--1987 c 348: "The Washington state legislature finds that businesses are an integral part of the state's economy which promote economic development and are a primary source of employment opportunities for the state's citizens. The legislature further recognizes the ability of state government to assist businesses and especially small businesses by coordinating existing business programs and expanding effective business services." [1987 c 348 § 1.]

Office of small business abolished--Transfer of functions--References--1987 c 348: "The office of small business is hereby abolished and its powers, duties, and functions are hereby transferred to the business assistance center. All references to the office of small business in the Revised Code of Washington shall be construed to mean the business assistance center." [1987 c 348 § 9.]

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.175.020 Duties.

The governor's small business improvement council shall seek to: Identify regulatory, administrative, and legislative proposals that will improve the entrepreneurial environment for small businesses; and advise and comment on state business programs and the *business assistance center on program policies, and services to assist small businesses. In consultation with the *business assistance center and the appropriate standing committees of the senate and house of representatives, the governor's small business improvement council may submit its proposals and recommendations to the governor and the legislature.

[1998 c 245 § 53; 1987 c 348 § 7; 1985 c 466 § 63; 1984 c 282 § 8.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Legislative findings--1987 c 348: See note following RCW 43.175.010.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.175.901 Severability--1984 c 282.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1984 c 282 § 17.]

**Chapter 43.180 RCW
HOUSING FINANCE COMMISSION**

Sections

43.180.010 Declaration of public policies--Purpose.
43.180.020 Definitions.
43.180.030 Bonds not debt of state.

- 43.180.040 Commission created.
- 43.180.050 Housing financing powers--Annual audit.
- 43.180.060 No power of eminent domain or taxation.
- 43.180.070 Housing finance plan.
- 43.180.080 General powers.
- 43.180.090 Selection of bond counsel--Written policies to be adopted.
- 43.180.100 Selection of underwriters--Written policies to be adopted.
- 43.180.110 Review of initial policies adopted under RCW 43.180.090 and 43.180.100--Adoption--Change.
- 43.180.120 Rules for fair allocation of bond proceeds for nonrental single family housing.
- 43.180.130 Protection of bondholders--Mortgage insurance.
- 43.180.140 Rules for energy efficiency.
- 43.180.150 Bond issues--Terms--Issuance--Purchase, etc.
- 43.180.160 Debt limitation.
- 43.180.170 Bond issues--Disposition of proceeds--Special fund.
- 43.180.180 Bond issues--Disposition of revenues--Special trust fund.
- 43.180.190 Legal investments.
- 43.180.200 Internal revenue code.
- 43.180.220 Housing finance program--Mortgage financing--Investments--Flexible loan underwriting guidelines.
- 43.180.230 Housing finance program--Program elements.
- 43.180.240 Housing finance program--Report to legislature annually--Implementation.

NONPROFIT CORPORATION FACILITIES

- 43.180.300 Definitions.
- 43.180.310 Commission powers.
- 43.180.320 Revenue bonds.
- 43.180.330 Revenue refunding bonds.
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- 43.180.350 Lessees or assignees.
- 43.180.360 Default.
- 43.180.900 Conflict with federal requirements.
- 43.180.901 Liberal construction.
- 43.180.902 Captions not part of law.
- 43.180.903 Severability--1983 c 161.
- 43.180.904 Effective dates--1983 c 161.

RCW 43.180.010 Declaration of public policies--Purpose.

It is declared to be the public policy of the state and a recognized governmental function to assist in making affordable and decent housing available throughout the state and by so doing to contribute to the general welfare. Decent housing for the people of our state is a most important public concern. Interest rates and construction costs have made it impossible for many Washington citizens to purchase their own homes. Older people, disabled persons, and low and moderate income families often cannot afford to rent decent housing. There exists throughout the state a serious shortage of safe, sanitary and energy efficient housing available at prices within the financial means of our citizens. General economic development within the state is also

impeded by a lack of affordable housing. The state's economy, which is dependent on the timber, wood products, and construction industries, has been damaged by inadequate investment in housing construction and rehabilitation. The result has been high unemployment and economic hardship affecting the prosperity of all the people of the state, particularly those in the wood products industry.

It is the purpose of this chapter to establish a state housing finance commission to act as a financial conduit which, without using public funds or lending the credit of the state or local government, can issue nonrecourse revenue bonds and participate in federal, state, and local housing programs and thereby make additional funds available at affordable rates to help provide housing throughout the state. It is also a primary purpose of this chapter to encourage the use of Washington state forest products in residential construction. This chapter is enacted to accomplish these and related purposes and shall be liberally construed to carry out its purposes and objectives.

[1983 c 161 § 1.]

RCW 43.180.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bonds" means the bonds, notes, or other evidences of indebtedness of the commission, the interest paid on which may or may not qualify for tax exemption.

(2) "Code" means the federal internal revenue code of 1954, as now or hereafter amended, and the regulations and rulings promulgated thereunder.

(3) "Commission" means the Washington state housing finance commission or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the commission shall be given by law.

(4) "Costs of housing" means all costs related to the development, design, acquisition, construction, reconstruction, leasing, rehabilitation, and other improvements of housing, as determined by the commission.

(5) "Eligible person" means a person or family eligible in accordance with standards promulgated by the commission. Such persons shall include those persons whose income is insufficient to obtain at a reasonable cost, without financial assistance, decent, safe, and sanitary housing in the area in which the person or family resides, and may include such other persons whom the commission determines to be eligible.

(6) "Housing" means specific new, existing, or improved residential dwellings within this state or dwellings to be constructed within this state. The term includes land, buildings, and manufactured dwellings, and improvements, furnishings, and equipment, and such other nonhousing facilities, furnishings, equipment, and costs as may be incidental or appurtenant thereto if in the judgment of the commission the facilities, furnishings, equipment and costs are an integral part of the project. Housing may consist of single-family or multifamily dwellings in one or more structures located on contiguous or noncontiguous parcels or any combination thereof. Improvements may include such equipment and materials as are appropriate to

accomplish energy efficiency within a dwelling. The term also includes a dwelling constructed by a person who occupies and owns the dwelling, and nursing homes licensed under chapter 18.51 RCW.

(7) "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing. The property may be held in fee simple or on a leasehold under a lease having a remaining term, at the time the mortgage is acquired, of not less than the term of repayment of the mortgage loan secured by the mortgage. The property may also be housing which is evidenced by an interest in a cooperative association or corporation if ownership of the interest entitles the owner of the interest to occupancy of a dwelling owned by the association or corporation.

(8) "Mortgage lender" means any of the following entities which customarily provide service or otherwise aid in the financing of housing and which are approved as a mortgage lender by the commission: A bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, mortgage company, credit union, life insurance company, or any other financial institution, governmental agency, municipal corporation, or any holding company for any of the entities specified in this subsection.

(9) "Mortgage loan" means an interest-bearing loan or a participation therein, made to a borrower, for the purpose of financing the costs of housing, evidenced by a promissory note, and which may or may not be secured (a) under a mortgage agreement, (b) under any other security agreement, regardless of whether the collateral is personal or real property, or (c) by insurance or a loan guarantee of a third party. However, an unsecured loan shall not be considered a mortgage loan under this definition unless the amount of the loan is under two thousand five hundred dollars.

[1990 c 167 § 1; 1983 c 161 § 2.]

RCW 43.180.030 Bonds not debt of state.

Bonds issued under this chapter shall be issued in the name of the commission. The bonds shall not be obligations of the state of Washington and shall be obligations only of the commission payable from the special fund or funds created by the commission for their payment. Such funds shall not be or constitute public moneys or funds of the state of Washington but at all times shall be kept segregated and set apart from other funds.

Bonds issued under this chapter shall contain a recital on their face to the effect that payment of the principal of, interest on, and prepayment premium, if any, on the bonds, shall be a valid claim only as against the special fund or funds relating thereto, that neither the faith and credit nor the taxing power of the state or any municipal corporation, subdivision, or agency of the state, other than the commission as set forth in this chapter, is pledged to the payment of the principal of, interest on, and prepayment premium, if any, on the bonds.

Contracts entered into by the commission shall be entered into in the name of the commission and not in the name of the state of Washington. The obligations of the commission

under the contracts shall be obligations only of the commission and are not in any way obligations of the state of Washington.

[1983 c 161 § 3.]

RCW 43.180.040 Commission created.

(1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

- (a) The state treasurer, ex officio;
- (b) The director of community, trade, and economic development, ex officio;
- (c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;
- (d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;
- (e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;
- (f) A representative of low-income persons, appointed by the governor with the consent of the senate;
- (g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the *department of community development is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an office or position for which senate confirmation is not required, then his or her appointment to the commission shall be subject to the consent of the senate. The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall

exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW.

[1995 c 399 § 98; 1985 c 6 § 14; 1984 c 287 § 90; 1983 c 161 § 4.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of community development and the department of trade and economic development were transferred to the department of community, trade, and economic development by 1993 c 280, effective July 1, 1994.

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.180.050 Housing financing powers--Annual audit.

(1) In addition to other powers and duties prescribed in this chapter, and in furtherance of the purposes of this chapter to provide decent, safe, sanitary, and affordable housing for eligible persons, the commission is empowered to:

- (a) Issue bonds in accordance with this chapter;
- (b) Invest in, purchase, or make commitments to purchase or take assignments from mortgage lenders of mortgages or mortgage loans;
- (c) Make loans to or deposits with mortgage lenders for the purpose of making mortgage loans; and
- (d) Participate fully in federal and other governmental programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements, including such actions as the commission considers appropriate in order to have the interest payments on its bonds and other obligations treated as tax exempt under the code.

(2) The commission shall establish eligibility standards for eligible persons, considering at least the following factors:

- (a) Income;
- (b) Family size;
- (c) Cost, condition and energy efficiency of available residential housing;
- (d) Availability of decent, safe, and sanitary housing;
- (e) Age or infirmity; and
- (f) Applicable federal, state, and local requirements.

The state auditor shall audit the books, records, and affairs of the commission annually to determine, among other things, if the use of bond proceeds complies with the general plan of housing finance objectives including compliance with the objective for the use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

[1986 c 264 § 1; 1983 c 161 § 5.]

RCW 43.180.060 No power of eminent domain or taxation.

The commission does not have the power of eminent domain and the commission does not have the power to levy any taxes of any kind.

[1983 c 161 § 6.]

RCW 43.180.070 Housing finance plan.

The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

- (1) The use of funds for single-family and multifamily housing;
- (2) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;
- (3) The housing needs of low-income and moderate-income persons and families, and of elderly or mentally or physically handicapped persons;
- (4) The use of funds in coordination with federal, state, and local housing programs for low-income persons;
- (5) The use of funds in urban, rural, suburban, and special areas of the state;
- (6) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;
- (7) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;
- (8) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;
- (9) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. At least every two years, the commission shall report to the legislature regarding implementation of the plan.

The commission may periodically update the plan.

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. The commission may periodically update its rules.

This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

[1999 c 372 § 11; 1999 c 131 § 1; 1983 c 161 § 7.]

Notes:

Reviser's note: This section was amended by 1999 c 131 § 1 and by 1999 c 372 § 11, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 43.180.080 General powers.

In addition to other powers and duties specified in this chapter, the commission may:

(1) Establish in resolutions relating to any issuance of bonds, or in any financing documents relating to such issuance, such standards and requirements applicable to the purchase of mortgages and mortgage loans or the making of loans to mortgage lenders as the commission deems necessary or desirable, including but not limited to: (a) The time within which mortgage lenders must make commitments and disbursements for mortgages or mortgage loans; (b) the location and other characteristics of single-family housing or multifamily housing to be financed by mortgages and mortgage loans; (c) the terms and conditions of mortgages and mortgage loans to be acquired; (d) the amounts and types of insurance coverage required on mortgages, mortgage loans, and bonds; (e) the representations and warranties of mortgage lenders confirming compliance with such standards and requirements; (f) restrictions as to interest rate and other terms of mortgages or mortgage loans or the return realized therefrom by mortgage lenders; (g) the type and amount of collateral security to be provided to assure repayment of any loans from the commission and to assure repayment of bonds; and (h) any other matters related to the purchase of mortgages or mortgage loans or the making of loans to lending institutions as shall be deemed relevant by the commission;

(2) Sue and be sued in its own name;

(3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its purposes or powers, including but not limited to contracts or agreements for the origination, servicing, and administration of mortgages or mortgage loans, and the borrowing of money;

(4) Procure such insurance, including but not limited to insurance: (a) Against any loss in connection with its property and other assets, including but not limited to mortgages or mortgage loans, in such amounts and from such insurers as the commission deems desirable, and (b) to indemnify members of the commission for acts done in the course of their duties;

(5) Provide for the investment of any funds, including funds held in reserve, not required for immediate disbursement, and provide for the selection of investments;

(6) Fix, revise, and collect fees and charges in connection with the investigation and financing of housing or in connection with assignments, contracts, purchases of mortgages or mortgage loans, or any other actions permitted under this chapter or by the commission; and receive grants and contributions;

(7) Make such expenditures as are appropriate for paying the administrative costs of the commission and for carrying out the provisions of this chapter. These expenditures may be made only from funds consisting of the commission's receipts from fees and charges, grants and contributions, the proceeds of bonds issued by the commission, and other revenues; these expenditures shall not be made from funds of the state of Washington;

(8) Establish such special funds, and controls on deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(9) Conduct such investigations and feasibility studies as it deems appropriate;

(10) Proceed with foreclosure actions or accept deeds in lieu of foreclosure together with the assignments of leases and rentals incidental thereto. Any properties acquired by the commission through such actions shall be sold as soon as practicable through persons licensed under chapter 18.85 RCW or at public auction, or by transfer to a public agency. In preparation for the disposition of the properties, the commission may own, lease, clear, construct, reconstruct, rehabilitate, repair, maintain, manage, operate, assign, or encumber the properties;

(11) Take assignments of leases and rentals;

(12) Subject to any provisions of the commission's contracts with the holders of obligations of the commission, consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind;

(13) Subject to provisions of the commission's contracts with the holders of bonds, permit the reduction of rental or carrying charges to persons unable to pay the regular rent or schedule of charges if, by reason of other income of the commission or by reason of payment by any department, agency, or instrumentality of the United States or of this state, the reduction can be made without jeopardizing the economic stability of the housing being financed;

(14) Sell, at public or private sale, with or without public bidding, any mortgage, mortgage loan, or other instrument or asset held by the commission;

(15) Employ, contract with, or engage engineers, architects, attorneys, financial advisors, bond underwriters, mortgage lenders, mortgage administrators, housing construction or financing experts, other technical or professional assistants, and such other personnel as are necessary. The commission may delegate to the appropriate persons the power to execute legal instruments on its behalf;

(16) Receive contributions or grants from any source unless otherwise prohibited;

(17) Impose covenants running with the land in order to satisfy and enforce the requirements of applicable state and federal law and commission policy with respect to housing or other facilities financed by the commission or assisted by federal, state, or local programs administered by the commission, by executing and recording regulatory agreements or other covenants between the commission and the person or entity to be bound. These regulatory agreements and covenants shall run with the land and be enforceable by the commission or its successors or assigns against the person or entity making the regulatory agreement or covenants or its successors or assigns, even though there may be no privity of estate or privity of contract between the commission or its successors or assigns and the person or entity against whom enforcement is sought. The term of any such covenant shall be set forth in the recorded agreement containing the covenant. This subsection shall apply to regulatory agreements and covenants previously entered into by the commission as well as regulatory agreements and covenants entered into by the commission on or after July 27, 1997;

(18) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(19) Exercise any other power reasonably required to implement the purposes of this

chapter.

[1997 c 163 § 1; 1983 c 161 § 8.]

RCW 43.180.090 Selection of bond counsel--Written policies to be adopted.

(1) The commission shall adopt written policies to provide for the selection of bond counsel. The policies shall provide for the creation and maintenance of a roster of attorneys whom the commission believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bondholders, and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on the bonds issued by the commission. Any attorney may apply to have his or her name placed on the roster, but may not be placed on the roster unless the attorney demonstrates to the commission's satisfaction that the attorney would issue the kind of opinions required by this section.

(2) Prior to selecting an attorney or attorneys to provide bond counsel services, the commission shall provide all attorneys on the roster with a notice of its intentions to select bond counsel and shall invite each of them to submit to the commission his or her fee schedule for providing bond counsel services. The commission shall have wide discretion in selecting the attorney or attorneys it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider all submitted fee schedules and the public interest in achieving both savings in bond counsel fees and issuance of bonds on terms most favorable to the commission. At least once every two calendar years, the commission shall select anew an attorney or attorneys to serve as bond counsel. However, the commission may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously retained may be selected again but only after the commission has provided other attorneys on the roster with an opportunity to be selected and has made the fee schedule review required under this subsection. In addition to or as an alternative to retaining counsel for a period of time, the commission may appoint an attorney to serve as counsel in respect to only a particular bond issue.

[1983 c 161 § 9.]

RCW 43.180.100 Selection of underwriters--Written policies to be adopted.

(1) The commission shall adopt written policies to provide for the selection of underwriters. The policies shall provide for the creation of a roster of underwriters whom the commission believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the commission's bonds at the lowest possible costs. Any underwriter may apply to have its name placed on the roster, but may not be placed on the roster unless it demonstrates to the commission's satisfaction that it meets the requirements of this section.

(2) Whenever the commission decides that it needs the services of an underwriter, it shall

provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the commission an itemization of its fees and other charges for providing underwriting services on the issue. The itemization shall be by categories designed by the commission. The commission shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider the underwriter's fees and other charges and the public interest in achieving both savings in the total costs of underwriting services and issuance of bonds on terms most favorable to the commission.

[1983 c 161 § 10.]

RCW 43.180.110 Review of initial policies adopted under RCW 43.180.090 and 43.180.100--Adoption--Change.

The commission shall submit the initial policies adopted under RCW 43.180.090 and 43.180.100 to the chief clerk of the house and the secretary of the senate for transmittal to and review by the appropriate standing committees and the joint administrative rules review committee. By January 1, 1984 the commission shall have adopted policies in the form of rules and regulations under chapter 34.05 RCW. Such rules and regulations may only be changed or revised in accordance with chapter 34.05 RCW.

[1983 c 161 § 11.]

RCW 43.180.120 Rules for fair allocation of bond proceeds for nonrental single family housing.

The legislature recognizes that the demand for mortgage loans for nonrental single family housing will probably greatly exceed the supply of bond proceeds available to satisfy the demand. Therefore, the commission shall adopt rules providing procedures to assure that the bond proceeds available for that kind of housing shall be made available to qualified mortgagors in a fair and equitable manner.

[1983 c 161 § 12.]

RCW 43.180.130 Protection of bondholders--Mortgage insurance.

The commission is encouraged to adopt policies which will assure that bondholders will be protected against the failure to make mortgage payments financed under this chapter. Such policies may require, among other things, mortgage insurance.

[1983 c 161 § 13.]

RCW 43.180.140 Rules for energy efficiency.

The commission shall adopt rules providing for financing assistance to implement

cost-effective energy efficiency improvements.

[1983 c 161 § 14.]

RCW 43.180.150 Bond issues--Terms--Issuance--Purchase, etc.

(1) The commission's bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, be registered or registrable in such manner, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such fixed or variable rate or rates of interest, be payable at such time or times, and be sold in such manner and at such price or prices, as the commission determines. The bonds shall be executed by the chair, by either its duly elected secretary or its treasurer, and by the trustee or paying agent if the commission determines to use a trustee or paying agent for the bonds. Execution of the bonds may be by manual or facsimile signature.

(2) The bonds of the commission shall be subject to such terms, conditions, covenants, and protective provisions as are found necessary or desirable by the commission, including, but not limited to, pledges of the commission's assets, setting aside of reserves, limitations on additional forms of indebtedness, and the mortgaging of all or any part of the commission's real or personal property, then owned or thereafter acquired, and other provisions the commission finds are necessary or desirable for the security of bond holders.

(3) Any security interest created in the unexpended bond proceeds and in the special funds created by the commission shall be immediately valid and binding against such moneys and any securities in which such moneys may be invested without commission or trustee possession thereof, and the security interest shall be prior to any party having any competing claim in such moneys or securities, without filing or recording pursuant to *chapter 62A.9 RCW and regardless of whether the party has notice of the security interest.

(4) When issuing bonds, the commission may provide for the future issuance of additional bonds or parity debt on a parity with outstanding bonds, and the terms and conditions of their issuance. The commission may refund or advance refund any bond of the commission in accordance with chapter 39.53 RCW or issue bonds with a subordinate lien against the fund or funds securing outstanding bonds.

(5) The chair of the state finance committee or the chair's designee shall be notified in advance of the issuance of bonds by the commission in order to promote the orderly offering of obligations in the financial markets.

(6) The members of the commission and any person executing the bonds are not liable personally on the indebtedness or subject to any personal liability or accountability by reason of the issuance thereof.

(7) The commission may, out of any fund available therefor, purchase its bonds in the open market.

[1983 c 161 § 15.]

Notes:

***Reviser's note:** Chapter 62A.9 RCW was repealed in its entirety by 2000 c 250 § 9A-901, effective July 1, 2001. For later enactment, see chapter 62A.9A RCW.

RCW 43.180.160 Debt limitation.

The total amount of outstanding indebtedness of the commission may not exceed three billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

[1999 c 131 § 2; 1996 c 310 § 2; 1986 c 264 § 2; 1983 c 161 § 16.]

RCW 43.180.170 Bond issues--Disposition of proceeds--Special fund.

Proceeds from the sale of all bonds issued under this chapter received by the commission shall be deposited forthwith by the commission in any trust company, savings bank, savings and loan association, or bank having the powers of a trust company within or without the state, in a special fund or funds established for the particular purposes for which the bonds were issued and sold, which money shall not be funds of the state of Washington. Such fund or funds shall at all times be segregated and set apart from all other funds and held in trust for the purposes for which such bonds were issued as determined by the commission. Money other than bond sale proceeds received by the commission for these same purposes, such as private contributions or grants from the federal government, may be deposited in such fund or funds. Proceeds received from the sale of the bonds may also be used to defray the expenses of the commission in connection with and incidental to the issuance and sale of bonds, as well as expenses for studies, surveys, estimates, plans, inspections, and examinations of or incidental to the purposes for which the bonds were issued, and other costs advanced therefor by third parties or by the commission. In lieu of the commission receiving and handling these moneys in the manner outlined in this section, the commission may appoint trustees, depositaries, paying agents, and other financial institutions within or without the state to perform the functions outlined and to receive, hold, disburse, invest, and reinvest such funds on its behalf and for the protection of the bondholders.

[1983 c 161 § 17.]

RCW 43.180.180 Bond issues--Disposition of revenues--Special trust fund.

All revenues received by the commission including funds received from contributions or grants or in any other form to pay principal of and interest on bonds or for other bond requirements such as reserves shall be deposited by the commission in any trust company, savings bank, savings and loan association, or bank having the powers of a trust company within or without the state, to the credit of a special trust fund or funds. The commission may establish a bond fund or funds, and a reserve, sinking fund and other accounts therein, for payment of

principal and interest and for other special requirements of the bonds as determined by the commission. In lieu of the commission receiving and handling these moneys as outlined in this section, the commission may appoint trustees, depositories, paying agents, and other financial institutions to perform the functions outlined and to receive, hold, disburse, invest, and reinvest such funds on its behalf and for the protection of the bondholders. Such revenues and funds, whether received and held by the commission or by others on its behalf, shall not be or constitute public funds of the state of Washington but at all times shall be kept segregated and apart from all other funds.

[1983 c 161 § 18.]

RCW 43.180.190 Legal investments.

Bonds issued under this chapter are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in obligations of the state may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivisions of the state for any purpose for which the deposit of bonds and other obligations of the state are now or may hereafter be authorized by law.

[1983 c 161 § 19.]

RCW 43.180.200 Internal revenue code.

For purposes of the code:

(1) The legislature reserves the right at any time to alter or change the structure, organization, programs, or activities of the commission and to terminate the commission, so long as the action does not impair any outstanding contracts entered into by the commission;

(2) Any net earnings of the commission beyond that necessary to retire its bonds and to carry out the purposes of this chapter shall not inure to the benefit of any person other than the state;

(3) Upon dissolution of the commission, title to all of its remaining property shall vest in the state;

(4) The commission constitutes the only housing finance agency of the state of Washington; and

(5) In order to take advantage of the maximum amount of tax exempt bonds for housing financing available pursuant to the code, any state ceiling with respect to housing shall be allocated in accordance with the following formula:

(a) Eighty percent of the state ceiling shall be allocated to the commission and twenty percent shall be allocated to the other issuing authorities in the state.

(b) The allocation to the issuing authorities other than the commission shall be distributed to such issuing authorities in amounts as determined following public notice by the department of community, trade, and economic development pursuant to rules promulgated by it. The distribution shall be in response to applications received from such issuing authorities and shall be based on the following factors: (i) The amount of housing to be made available by such applicant; (ii) the population within the jurisdiction of the applicant; (iii) coordination with other applicable federal and state housing programs; (iv) the likelihood of implementing the proposed financing during that year; and (v) consistency with the plan of the commission. On or before February 1 of each year, the department of community, trade, and economic development shall distribute the state ceiling allocation among such issuing authorities and any unused portion shall be added to the allocation of the commission. Each issuing authority other than the commission shall confirm its allocation distribution by providing to the department of community, trade, and economic development no later than June 1 a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood of the allocation distribution being fully used. Any portion of such allocation not so confirmed shall be added to the allocation of the commission on July 1. Prior to July 1, the commission shall provide written notice of the allocation decrease to the affected issuing authority. The reallocation shall not limit the authority of the commission to assign a portion of its allocation pursuant to subsection (5)(c) of this section.

(c) The commission may assign a portion of its allocation to another issuing agency.

[1995 c 399 § 99; 1986 c 264 § 3; 1985 c 6 § 15; 1984 c 28 § 1; 1983 c 161 § 20.]

RCW 43.180.220 Housing finance program--Mortgage financing--Investments--Flexible loan underwriting guidelines.

The commission, in cooperation with the department of community, trade, and economic development, and the state investment board, shall develop and implement a housing finance program that:

(1) Provides subsidized or unsubsidized mortgage financing for single-family home ownership, including a single condominium unit, located in the state of Washington;

(2) Requests the state investment board to make investments, within its policies and investment guidelines, in mortgage-backed securities that are collateralized by loans made within the state of Washington; and

(3) Provides flexible loan underwriting guidelines, including but not limited to provisions that will allow reduced downpayment requirements for the purchaser.

[1994 c 235 § 1.]

Notes:

Severability--1994 c 235: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 235 § 4.]

RCW 43.180.230 Housing finance program--Program elements.

The housing finance program developed under RCW 43.180.220 shall:

- (1) Be limited to borrowers with incomes that do not exceed one hundred fifteen percent of the state or county median family income, whichever is higher, adjusted for family size;
- (2) Be limited to first-time home buyers as defined in RCW 43.185A.010;
- (3) Be targeted so that priority is given to low-income households as defined in RCW 43.185A.010;
- (4) To the extent funds are made available, provide either downpayment or closing costs assistance to households eligible for assistance under chapter 43.185A RCW and this chapter; and
- (5) Provide notification to active participants of the state retirement systems managed by the department of retirement systems under chapter 41.50 RCW.

[1994 c 235 § 2.]

Notes:

Severability--1994 c 235: See note following RCW 43.180.220.

RCW 43.180.240 Housing finance program--Report to legislature annually--Implementation.

(1) The commission shall submit to the legislature in its annual report a summary of the progress of the housing finance program developed under RCW 43.180.220. The report shall include, but not be limited to the number of loans made and location of property financed under RCW 43.180.220 and 43.180.230.

(2) The commission shall take such steps as are necessary to ensure that RCW 43.180.220 and 43.180.230 are implemented on June 9, 1994.

[1994 c 235 § 3.]

Notes:

Severability--1994 c 235: See note following RCW 43.180.220.

NONPROFIT CORPORATION FACILITIES

RCW 43.180.300 Definitions.

As used in RCW 43.180.310 through 43.180.360, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Construction" or "construct" means construction and acquisition, whether by device, purchase, gift, lease, or otherwise.

(2) "Facilities" means land, rights in land, buildings, structures, equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(3) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(4) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement. "To improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(5) "Nonprofit corporation" means a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code, or similar successor provisions.

(6) "Nonprofit facilities" means facilities owned or used by a nonprofit corporation for any nonprofit activity described under section 501(c)(3) of the Internal Revenue Code that qualifies such a corporation for an exemption from federal income taxes under section 501(a) of the Internal Revenue Code, or similar successor provisions provided that facilities which may be funded pursuant to chapter 28B.07, 35.82, 43.180, or 70.37 RCW shall not be included in this definition.

(7) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in a nonprofit facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of a nonprofit facility, including costs of studies assessing the feasibility of a nonprofit facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(8) "Revenue bond" means a taxable or tax-exempt nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of providing financing to a nonprofit corporation on an interim or permanent basis.

(9) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

[1997 c 44 § 1; 1990 c 167 § 2.]

RCW 43.180.310 Commission powers.

The commission has the following powers with respect to nonprofit facilities together with all powers incidental thereto or necessary for the performance thereof:

(1) To make secured loans to nonprofit corporations for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any nonprofit facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the project costs of a nonprofit corporation; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its commissioners consider advisable which are not in conflict with this

subchapter;

(2) To issue revenue bonds for the purpose of financing all or part of the project cost of any nonprofit facility and to secure the payment of the revenue bonds as provided in this subchapter;

(3) To collect fees or charges from users or prospective users of nonprofit facilities to recover actual or anticipated administrative costs;

(4) To execute financing documents incidental to the powers enumerated in this section;

(5) To accept grants and gifts;

(6) To establish such special funds with any financial institution providing fiduciary services within or without the state as it deems necessary and appropriate and invest money therein.

[1990 c 167 § 3.]

RCW 43.180.320 Revenue bonds.

(1) The proceeds of the revenue bonds of each issue shall be used solely for the purposes set forth in this subchapter and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any nonprofit facility exceeds the cost of the nonprofit facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase the revenue bonds in the open market.

(2) The commission may issue interim notes in the manner provided for the issuance of revenue bonds to fund nonprofit facilities prior to issuing other revenue bonds to fund such facilities. The commission may issue revenue bonds to fund nonprofit facilities that are exchangeable for other revenue bonds, when these other revenue bonds are executed and available for delivery.

(3) The principal of and interest on any revenue bonds issued by the commission shall be secured by a pledge of unexpended bond proceeds and the revenues and receipts derived from the nonprofit facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use of the nonprofit facility covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the commission considers advisable which are not in conflict with this subchapter.

(4) All revenue bonds issued under this subchapter and any interest coupons applicable thereto are negotiable instruments within the meaning of Article 8 of the uniform commercial code, Title 62A RCW, regardless of form or character.

(5) Notwithstanding subsection (1) of this section, such bonds and interim notes may be issued and sold in accordance with chapter 39.46 RCW.

[1990 c 167 § 4.]

RCW 43.180.330 Revenue refunding bonds.

The commission may provide by resolution for the issuance of revenue refunding bonds for the purpose of refunding any obligations issued for a nonprofit facility, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption or maturity of the revenue bonds and, if considered advisable by the commission, for the additional purpose of financing improvements, extensions, or enlargements to the nonprofit facility for another nonprofit facility. The issuance of the revenue refunding bonds, the maturities and other details thereof, the rights of the owners thereof, and the rights, duties, and obligations of the commission in respect to the same shall be governed by this chapter insofar as applicable.

[1990 c 167 § 5.]

RCW 43.180.340 Trust agreements.

Any bonds issued under this subchapter may be secured by a trust agreement between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may evidence a pledge or assignment of the financing documents and lease, sale, or loan revenues to be received from a lessee or purchaser of or borrower with respect to a nonprofit facility for the payment of principal of and interest and any premium on the bonds as the same shall become due and payable and may provide for creation and maintenance of reserves for these purposes. A trust agreement or resolution providing for the issuance of the revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondowners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties in relation to the acquisition of property and the construction, improvement, maintenance, use, repair, operation, and insurance of the nonprofit facility for which the bonds are authorized, and the custody, safeguarding, and application of all money. Any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of revenue bonds or of revenues may furnish such indemnifying bonds or pledge such securities as may be required by the commission. A trust agreement may set forth the rights and remedies of the bondowners and of the trustee and may restrict the individual right of action by bondowners as is customary in trust agreements or trust indentures securing bonds and debentures of private corporations. In addition, a trust agreement may contain such provisions as the commission considers reasonable and proper for the security of the bondowners which are not in conflict with this subchapter.

[1990 c 167 § 6.]

RCW 43.180.350 Lessees or assignees.

A lessee or contracting party under a sale contract or loan agreement shall not be required to be the eventual user of a nonprofit facility if any sublessee or assignee assumes all of the obligations of the lessee or contracting party under the lease, sale contract, or loan agreement, but the lessee or contracting party or their successors shall remain primarily liable for all of its obligations under the lease, sale contract, or loan agreement and the use of the nonprofit facility shall be consistent with the purposes of this subchapter.

[1990 c 167 § 7.]

RCW 43.180.360 Default.

The proceedings authorizing any revenue bonds under this subchapter or any financing document securing the revenue bonds may provide that if there is a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or financing document, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan repayments, and to apply the revenues from the nonprofit facility in accordance with the proceedings or provisions of the financing document. Any financing document entered into under this subchapter may also provide that if there is a default in the payment thereof or a violation of any agreement contained in the financing document, the nonprofit facility may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Any financing document may also provide that any trustee under the financing document or the holder of any revenue bonds secured thereby may become the purchaser at any foreclosure sale if it is the highest bidder.

[1990 c 167 § 8.]

RCW 43.180.900 Conflict with federal requirements.

If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1983 c 161 § 21.]

RCW 43.180.901 Liberal construction.

This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

[1983 c 161 § 23.]

RCW 43.180.902 Captions not part of law.

As used in this chapter and RCW 82.04.408, section captions constitute no part of the law.

[1983 c 161 § 24.]

RCW 43.180.903 Severability--1983 c 161.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 c 161 § 31.]

RCW 43.180.904 Effective dates--1983 c 161.

(1) Except as provided in subsection (2) of this section, this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 10 of this act shall take effect on January 1, 1984.

[1983 c 161 § 32.]

**Chapter 43.185 RCW
HOUSING ASSISTANCE PROGRAM**

Sections

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| 43.185.911 | Severability--1991 c 356. |

Notes:

Donations of surplus state property: RCW 43.19.1920.

Funding: RCW 43.79.201 and 79.01.007.

RCW 43.185.010 Findings.

The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.

The legislature further finds that minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing needs is that of persons needing special housing-related services, such as the mentally ill, recovering alcoholics, frail elderly persons, families with members who have disabilities, and single parents. These services include medical assistance, counseling, chore services, and child care.

The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.

The legislature declares that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority and that whenever feasible, assistance should be in the form of loans.

[1991 c 356 § 1; 1986 c 298 § 1.]

RCW 43.185.015 Housing assistance program.

There is created within the department the housing assistance program to carry out the purposes of this chapter.

[1995 c 399 § 100; 1991 c 356 § 2.]

RCW 43.185.020 Definitions.

"Department" means the department of community, trade, and economic development.
"Director" means the director of the department of community, trade, and economic development.

[1995 c 399 § 101; 1986 c 298 § 3.]

RCW 43.185.030 Washington housing trust fund.

There is hereby created in the state treasury an account to be known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources.

[1991 sp.s. c 13 § 87; 1991 c 356 § 3; 1987 c 513 § 6; 1986 c 298 § 2.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

Distribution of interest from real estate brokers' trust accounts: RCW 18.85.310.

RCW 43.185.050 Use of moneys for loans and grant projects to provide housing--Eligible activities.

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

- (h) Mortgage insurance guarantee or payments for eligible projects;
- (i) Down payment or closing cost assistance for eligible first-time home buyers;
- (j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and
- (k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (i), and (j) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2) (b) and (c) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the housing assistance program.

[1994 c 160 § 1; 1991 c 356 § 4; 1986 c 298 § 6.]

RCW 43.185.060 Eligible organizations.

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, regional support networks established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or state-wide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

[1994 c 160 § 2; 1991 c 295 § 1; 1986 c 298 § 7.]

RCW 43.185.070 Notice of grant and loan application period--Priorities--Criteria for evaluation.

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department. Administrative costs paid out of the housing trust fund may not exceed four percent of annual revenues available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a state-wide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock

purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

- (a) The degree of leveraging of other funds that will occur;
- (b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;
- (c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;
- (d) Local government project contributions in the form of infrastructure improvements, and others;
- (e) Projects that encourage ownership, management, and other project-related responsibility opportunities;
- (f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;
- (g) The applicant has the demonstrated ability, stability and resources to implement the project;
- (h) Projects which demonstrate serving the greatest need;
- (i) Projects that provide housing for persons and families with the lowest incomes;
- (j) Projects serving special needs populations which are under statutory mandate to develop community housing;
- (k) Project location and access to employment centers in the region or area;
- (l) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and
- (m) Project location and access to available public transportation services.

(4) The department shall only approve applications for projects for mentally ill persons that are consistent with a regional support network six-year capital and operating plan.

[1994 sp.s. c 3 § 9. Prior: 1991 c 356 § 5; 1991 c 295 § 2; 1988 c 286 § 1; 1986 c 298 § 8.]

RCW 43.185.074 Low-income housing grants and loans--Applications.

The director shall designate grant and loan applications for approval and for funding under the revenue from remittances made pursuant to RCW 18.85.310. These applications shall then be reviewed for final approval by the broker's trust account board created by *RCW 18.85.500.

The director shall submit to the broker's trust account board within any fiscal year only such applications which in their aggregate total funding requirements do not exceed the revenue to the housing trust fund from remittances made pursuant to RCW 18.85.310 for the previous fiscal year.

[1987 c 513 § 11. Formerly RCW 18.85.505.]

Notes:

*Reviser's note: RCW 18.85.500 was repealed by 1994 sp.s. c 9 § 857, effective July 1, 1994.
Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 43.185.076 Low-income housing grants and loans--Approval--License education programs.

The broker's trust account board shall review grant and loan applications placed before it by the director for final approval pursuant to RCW 43.185.074.

The decisions of the board shall be subject to the provisions of RCW 43.185.050, 43.185.060, and 43.185.070 with regard to eligible activities, eligible recipients, and criteria for evaluation.

The broker's trust account board shall serve in an advisory capacity to the real estate commission with regard to licensee education programs established pursuant to RCW 18.85.040 and 18.85.220.

[1988 c 286 § 3; 1987 c 513 § 10. Formerly RCW 18.85.510.]

Notes:

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 43.185.080 Preconstruction technical assistance.

(1) The department may use moneys from the housing trust fund and other legislative appropriations, but not appropriations from capital bond proceeds, to provide preconstruction technical assistance to eligible recipients seeking to construct, rehabilitate, or finance housing-related services for very low and low-income persons. The department shall emphasize providing preconstruction technical assistance services to rural areas and small cities and towns. The department may contract with nonprofit organizations to provide this technical assistance. The department may contract for any of the following services:

- (a) Financial planning and packaging for housing projects, including alternative ownership programs, such as limited equity partnerships and syndications;
- (b) Project design, architectural planning, and siting;
- (c) Compliance with planning requirements;
- (d) Securing matching resources for project development;
- (e) Maximizing local government contributions to project development in the form of land donations, infrastructure improvements, waivers of development fees, locally and state-managed funds, zoning variances, or creative local planning;
- (f) Coordination with local planning, economic development, and environmental, social service, and recreational activities;

- (g) Construction and materials management; and
- (h) Project maintenance and management.

(2) The department shall publish requests for proposals which specify contract performance standards, award criteria, and contractor requirements. In evaluating proposals, the department shall consider the ability of the contractor to provide technical assistance to low and very low-income persons and to persons with special housing needs.

[1991 c 356 § 6; 1986 c 298 § 9.]

RCW 43.185.090 Compliance monitoring.

The director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan.

[1986 c 298 § 10.]

RCW 43.185.100 Rule-making authority.

The department shall have the authority to promulgate rules pursuant to chapter 34.05 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter. The department shall consider the recommendations of cities and counties regarding how the funds shall be used in their geographic areas.

[1987 c 513 § 2; 1986 c 298 § 11.]

Notes:

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 43.185.110 Affordable housing advisory board--State housing needs.

The affordable housing advisory board established in RCW 43.185B.020 shall advise the director on housing needs in this state, including housing needs for persons who are mentally ill or developmentally disabled or youth who are blind or deaf or otherwise disabled, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter. Such advice shall be consistent with policies and plans developed by regional support networks according to chapter 71.24 RCW for the mentally ill and the developmental disabilities planning council for the developmentally disabled.

[1993 c 478 § 15; 1991 c 204 § 4; 1987 c 513 § 3.]

Notes:

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 43.185.120 Protection of state's interest.

The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under RCW

43.185.050(2) (a), (i), and (j). These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

[1991 c 356 § 7.]

RCW 43.185.900 Severability--1986 c 298.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1986 c 298 § 13.]

RCW 43.185.910 Conflict with federal requirements--1991 c 356.

If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1991 c 356 § 8.]

RCW 43.185.911 Severability--1991 c 356.

See RCW 43.185A.901.

**Chapter 43.185A RCW
AFFORDABLE HOUSING PROGRAM**

Sections

| | |
|-------------|---|
| 43.185A.010 | Definitions. |
| 43.185A.020 | Affordable housing program--Purpose--Input. |
| 43.185A.030 | Activities eligible for assistance. |
| 43.185A.040 | Eligible organizations. |
| 43.185A.050 | Grant and loan application process. |
| 43.185A.060 | Protection of state interest. |
| 43.185A.070 | Monitor recipient activities. |
| 43.185A.080 | Rules. |
| 43.185A.900 | Short title. |
| 43.185A.901 | Severability--1991 c 356. |
| 43.185A.902 | Conflict with federal requirements--1991 c 356. |

RCW 43.185A.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental occupancy which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income. The department shall adopt policies for residential homeownership housing, occupied by low-income households, which specify the percentage of family income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

[2000 c 255 § 9; 1995 c 399 § 102; 1991 c 356 § 10.]

Notes:

Severability--Effective date--2000 c 255: See RCW 59.28.901 and 59.28.902.

RCW 43.185A.020 Affordable housing program--Purpose--Input.

The affordable housing program is created in the department for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the affordable housing advisory board established in RCW 43.185B.020.

[1995 c 399 § 103; 1993 c 478 § 16; 1991 c 356 § 11.]

RCW 43.185A.030 Activities eligible for assistance.

(1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

- (b) Rent subsidies in new construction or rehabilitated multifamily units;
 - (c) Down payment or closing costs assistance for first-time home buyers;
 - (d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and
 - (e) Mortgage insurance guarantee or payments for eligible projects.
- (3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (c), (d), and (e) of this section, and not for the administrative costs of the department.
- (4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the affordable housing program except for activities authorized under subsection (2)(b) of this section.
- (5) Administrative costs of the department shall not exceed four percent of the annual funds available for the affordable housing program.

[1994 c 160 § 3; 1991 c 356 § 12.]

RCW 43.185A.040 Eligible organizations.

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or state-wide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

[1994 c 160 § 4; 1991 c 356 § 13.]

RCW 43.185A.050 Grant and loan application process.

(1) During each calendar year in which funds are available for use by the department for the affordable housing program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed five percent of moneys appropriated to the affordable housing program.

(2) The department shall develop, with advice and input from the *low-income [housing] assistance advisory committee established in RCW 43.185.110, criteria to evaluate applications for assistance under this chapter.

[1991 c 356 § 14.]

Notes:

***Reviser's note:** The "low-income housing assistance advisory committee" has been abolished and its

powers, duties, and functions transferred to the affordable housing advisory board.

RCW 43.185A.060 Protection of state interest.

The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under RCW 43.185A.030(2) (a), (b), (c), (d), and (e). These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

[1991 c 356 § 15.]

RCW 43.185A.070 Monitor recipient activities.

The director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan.

[1991 c 356 § 16.]

RCW 43.185A.080 Rules.

The department shall have the authority to promulgate rules pursuant to chapter 34.05 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter.

[1991 c 356 § 17.]

RCW 43.185A.900 Short title.

This chapter may be known and cited as the affordable housing act.

[1991 c 356 § 9.]

RCW 43.185A.901 Severability--1991 c 356.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1991 c 356 § 18.]

RCW 43.185A.902 Conflict with federal requirements--1991 c 356.

If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act

is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1991 c 356 § 19.]

Chapter 43.185B RCW
WASHINGTON HOUSING POLICY ACT

Sections

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| 43.185B.005 | Finding. |
| 43.185B.007 | Goal. |
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| 43.185B.030 | Affordable housing advisory board--Duties. |
| 43.185B.040 | Housing advisory plan--Report to legislature. |
| 43.185B.900 | Short title. |

RCW 43.185B.005 Finding.

- (1) The legislature finds that:
- (a) Housing is of vital state-wide importance to the health, safety, and welfare of the residents of the state;
 - (b) Safe, affordable housing is an essential factor in stabilizing communities;
 - (c) Residents must have a choice of housing opportunities within the community where they choose to live;
 - (d) Housing markets are linked to a healthy economy and can contribute to the state's economy;
 - (e) Land supply is a major contributor to the cost of housing;
 - (f) Housing must be an integral component of any comprehensive community and economic development strategy;
 - (g) State and local government must continue working cooperatively toward the enhancement of increased housing units by reviewing, updating, and removing conflicting regulatory language;
 - (h) State and local government should work together in developing creative ways to reduce the shortage of housing;
 - (i) The lack of a coordinated state housing policy inhibits the effective delivery of housing for some of the state's most vulnerable citizens and those with limited incomes; and
 - (j) It is in the public interest to adopt a statement of housing policy objectives.
- (2) The legislature declares that the purposes of the Washington housing policy act are to:

(a) Provide policy direction to the public and private sectors in their attempt to meet the shelter needs of Washington residents;

(b) Reevaluate housing and housing-related programs and policies in order to ensure proper coordination of those programs and policies to meet the housing needs of Washington residents;

(c) Improve the delivery of state services and assistance to very low-income and low-income households and special needs populations;

(d) Strengthen partnerships among all levels of government, and the public and private sectors, including for-profit and nonprofit organizations, in the production and operation of housing to targeted populations including low-income and moderate-income households;

(e) Increase the supply of housing for persons with special needs;

(f) Encourage collaborative planning with social service providers;

(g) Encourage financial institutions to increase residential mortgage lending; and

(h) Coordinate housing into comprehensive community and economic development strategies at the state and local level.

[1993 c 478 § 1.]

Notes:

Persons with handicaps: RCW 35.63.220, 35A.63.240, 36.70.990, 36.70A.410.

RCW 43.185B.007 Goal.

It is the goal of the state of Washington to coordinate, encourage, and direct, when necessary, the efforts of the public and private sectors of the state and to cooperate and participate, when necessary, in the attainment of a decent home in a healthy, safe environment for every resident of the state. The legislature declares that attainment of that goal is a state priority.

[1993 c 478 § 2.]

RCW 43.185B.009 Objectives.

The objectives of the Washington housing policy act shall be to attain the state's goal of a decent home in a healthy, safe environment for every resident of the state by strengthening public and private institutions that are able to:

(1) Develop an adequate and affordable supply of housing for all economic segments of the population;

(2) Assist very low-income and special needs households who cannot obtain affordable, safe, and adequate housing in the private market;

(3) Encourage and maintain home ownership opportunities;

(4) Reduce life-cycle housing costs while preserving public health and safety;

(5) Preserve the supply of existing affordable housing;

(6) Provide housing for special needs populations;

- (7) Ensure fair and equal access to the housing market;
- (8) Increase the availability of mortgage credit at low interest rates; and
- (9) Coordinate and be consistent with the goals, objectives, and required housing element of the comprehensive plan in the state's growth management act in RCW 36.70A.070.

[1993 c 478 § 3.]

RCW 43.185B.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of community, trade, and economic development.

(4) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income, low-income, or moderate-income households and special needs populations.

(5) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies (including those embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by the state or local government in connection with its strategy under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et seq.).

(6) "Tenant-based organization" means a nonprofit organization whose governing body includes a majority of members who reside in the housing development and are considered low-income households.

[1995 c 399 § 104; 1993 c 478 § 4.]

RCW 43.185B.020 Affordable housing advisory board--Generally.

(1) The department shall establish the affordable housing advisory board to consist of twenty-one members.

(a) The following eighteen members shall be appointed by the governor:

(i) Two representatives of the residential construction industry;

(ii) Two representatives of the home mortgage lending profession;

(iii) One representative of the real estate sales profession;

(iv) One representative of the apartment management and operation industry;

(v) One representative of the for-profit housing development industry;

(vi) One representative of the nonprofit housing development industry;

- (vii) One representative of homeless shelter operators;
- (viii) One representative of lower-income persons;
- (ix) One representative of special needs populations;
- (x) One representative of public housing authorities as created under chapter 35.82 RCW;
- (xi) Two representatives of the Washington association of counties, one representative shall be from a county that is located east of the crest of the Cascade mountains;
- (xii) Two representatives of the association of Washington cities, one representative shall be from a city that is located east of the crest of the Cascade mountains;
- (xiii) One representative to serve as chair of the affordable housing advisory board;
- (xiv) One representative at large.

(b) The following three members shall serve as ex officio, nonvoting members:

- (i) The director or the director's designee;
- (ii) The executive director of the Washington state housing finance commission or the executive director's designee; and
- (iii) The secretary of social and health services or the secretary's designee.

(2)(a) The members of the affordable housing advisory board appointed by the governor shall be appointed for four-year terms, except that the chair shall be appointed to serve a two-year term. The terms of five of the initial appointees shall be for two years from the date of appointment and the terms of six of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(b) The governor, when making appointments to the affordable housing advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(3) The affordable housing advisory board shall serve as the department's principal advisory body on housing and housing-related issues, and replaces the department's existing boards and task forces on housing and housing-related issues.

(4) The affordable housing advisory board shall meet regularly and may appoint technical advisory committees, which may include members of the affordable housing advisory board, as needed to address specific issues and concerns.

(5) The department, in conjunction with the Washington state housing finance commission and the department of social and health services, shall supply such information and assistance as are deemed necessary for the advisory board to carry out its duties under this section.

(6) The department shall provide administrative and clerical assistance to the affordable housing advisory board.

[1993 c 478 § 5.]

RCW 43.185B.030 Affordable housing advisory board--Duties.

The affordable housing advisory board shall:

- (1) Analyze those solutions and programs that could begin to address the state's need for

housing that is affordable for all economic segments of the state, and special needs populations, including but not limited to programs or proposals which provide for:

- (a) Financing for the acquisition, rehabilitation, preservation, or construction of housing;
 - (b) Use of publicly owned land and buildings as sites for affordable housing;
 - (c) Coordination of state initiatives with federal initiatives and financing programs that are referenced in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended, and development of an approved housing strategy as required in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended;
 - (d) Identification and removal, where appropriate and not detrimental to the public health and safety, or environment, of state and local regulatory barriers to the development and placement of affordable housing;
 - (e) Stimulating public and private sector cooperation in the development of affordable housing; and
 - (f) Development of solutions and programs affecting housing, including the equitable geographic distribution of housing for all economic segments, as the advisory board deems necessary;
- (2) Consider both homeownership and rental housing as viable options for the provision of housing. The advisory board shall give consideration to various types of residential construction and innovative housing options, including but not limited to manufactured housing;
- (3) Review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives including but not limited to tax policies, land use policies, and financing programs. The advisory board shall provide recommendations to the director, along with the department's response in the annual housing report to the legislature required in RCW 43.185B.040; and
- (4) Prepare and submit to the director, by each December 1st, beginning December 1, 1993, a report detailing its findings and make specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

[1993 c 478 § 6.]

RCW 43.185B.040 Housing advisory plan--Report to legislature.

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020, prepare and from time to time amend a five-year housing advisory plan. The purpose of the plan is to document the need for affordable housing in the state and the extent to which that need is being met through public and private sector programs, to facilitate planning to meet the affordable housing needs of the state, and to enable the development of sound strategies and programs for affordable housing. The information in the five-year housing advisory plan must include:

- (a) An assessment of the state's housing market trends;
- (b) An assessment of the housing needs for all economic segments of the state and special needs populations;
- (c) An inventory of the supply and geographic distribution of affordable housing units

made available through public and private sector programs;

(d) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state;

(e) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and

(f) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state.

(2)(a) The five-year housing advisory plan required under subsection (1) of this section must be submitted to the legislature on or before February 1, 1994, and subsequent plans must be submitted every five years thereafter.

(b) Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs.

[1993 c 478 § 12.]

RCW 43.185B.900 Short title.

This chapter may be known and cited as the "Washington housing policy act."

[1993 c 478 § 24.]

**Chapter 43.190 RCW
LONG-TERM CARE OMBUDSMAN PROGRAM**

Sections

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| 43.190.120 | Expenditure of funds on long-term care ombudsman program. |
| 43.190.900 | Severability--1983 c 290. |

RCW 43.190.010 Findings.

The legislature finds that in order to comply with the federal Older Americans Act and to effectively assist residents, patients, and clients of long-term care facilities in the assertion of their civil and human rights, a long-term care ombudsman program should be instituted.

[1983 c 290 § 1.]

RCW 43.190.020 "Long-term care facility" defined.

As used in this chapter, "long-term care facility" means any of the following:

(1) A facility which:

(a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism;

(b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes and nursing facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which provides nursing facility services.

(2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(3) Any swing bed in an acute care facility.

[1995 1st sp.s. c 18 § 32; 1991 sp.s. c 8 § 3; 1983 c 290 § 2.]

Notes:

Conflict with federal requirements--Severability--Effective date--1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

Effective date--1991 sp.s. c 8: See note following RCW 18.51.050.

RCW 43.190.030 Office of state long-term care ombudsman created--Powers and duties--Rules.

There is created the office of the state long-term care ombudsman. The department of community, trade, and economic development shall contract with a private nonprofit organization to provide long-term care ombudsman services as specified under, and consistent with, the federal older Americans act as amended, federal mandates, the goals of the state, and the needs of its citizens. The department of community, trade, and economic development shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of residents, patients, and clients of all long-term care facilities is provided by the nonprofit organization that contracts to provide long-term care ombudsman services. The department of community, trade, and economic development shall adopt rules to carry out this

chapter and the long-term care ombudsman provisions of the federal older Americans act, as amended, and applicable federal regulations. The long-term care ombudsman program shall have the following powers and duties:

(1) To provide services for coordinating the activities of long-term care ombudsmen throughout the state;

(2) Carry out such other activities as the department of community, trade, and economic development deems appropriate;

(3) Establish procedures consistent with RCW 43.190.110 for appropriate access by long-term care ombudsmen to long-term care facilities and patients' records, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;

(4) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the department of social and health services and to the federal department of health and human services, or its successor agency, on a regular basis; and

(5) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

(a) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or

(b) Such disclosure is required by court order.

[1997 c 194 § 1; 1995 c 399 § 105; 1988 c 119 § 2; 1983 c 290 § 3.]

Notes:

Effective date--1988 c 119 § 2: "Section 2 of this act shall take effect July 1, 1989." [1988 c 119 § 5.]

Legislative findings--1988 c 119: "The legislature recognizes that the state long-term care ombudsman program and the office of the state long-term care ombudsman, located within the department of social and health services, have brought into serious question the ability of that office to serve as an effective mechanism on the state level for investigating and resolving complaints made by or on behalf of residents of long-term care facilities.

The legislature further finds it necessary to exercise its options under the federal older Americans act and identify an organization, outside of the department of social and health services and independent of any other state agency, to provide, through contract, long-term care ombudsman services." [1988 c 119 § 1.]

Survey--1988 c 119: "The committee on health care of the house of representatives shall conduct a survey and analysis of the appropriate placement outside of state government of the office of the state long-term care ombudsman. The survey shall ascertain how the contracted placement of the office will most effectively allow it to meet its responsibilities under chapter 43.190 RCW. A draft of the findings shall be submitted to the governor and the legislature before the first Friday in November 1988 and the final findings, conclusions, and recommendations shall be submitted in a report to the governor and the legislature no later than December 30, 1988.

The survey required shall include, but is not limited to, a complete assessment of how independently contracting the program outside state government will provide the office with an effective means for resolving complaints and building program accountability and integrity facilitating local involvement and contributing to long-term care policy development. The study shall also clearly identify and describe how this model for

administering the duties and responsibilities of the ombudsman will affect the ability of the office to function as mandated under the federal older Americans act, and provide suggestions that will assist the office to coordinate information and assistance, to the fullest degree possible, with citizen groups, the general public, the nursing home industry, and local volunteer programs. The survey shall further specify the operational program details necessary for adopting the proposed independently contracted plan." [1988 c 119 § 3.]

Use of survey findings--1988 c 119: "The survey findings, together with any reports of legislative committees in response to such survey, shall be used by the department of community development in determining the best manner to contract for and provide long-term care ombudsman services." [1988 c 119 § 4.]

RCW 43.190.040 Long-term care ombudsmen.

(1) Any long-term care ombudsman authorized by this chapter or a local governmental authority shall have training or experience or both in the following areas:

- (a) Gerontology, long-term care, or other related social services programs.
- (b) The legal system.
- (c) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

(2) A long-term care ombudsman shall not have been employed by any long-term care facility within the past three years.

(3) No long-term care ombudsman or any member of his or her immediate family shall have, or have had within the past three years, any pecuniary interest in the provision of long-term health care facilities.

[1983 c 290 § 4.]

RCW 43.190.050 Posting of notice by long-term care facility--Distribution of information to residents.

Every long-term care facility shall post in a conspicuous location a notice of the nursing home complaint toll-free number and the name, address, and phone number of the office of the appropriate long-term care ombudsman and a brief description of the services provided by the office. The form of the notice shall be approved by the office and the organization responsible for maintaining the nursing home complaint toll-free number. This information shall also be distributed to the residents, family members, and legal guardians upon the resident's admission to the facility.

[1983 c 290 § 5.]

RCW 43.190.060 Duties of ombudsman.

A long-term care ombudsman shall:

- (1) Identify, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities relating to administrative action, inaction, or decisions which may adversely affect the health, safety, welfare, and rights of these individuals;
- (2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to long-term care facilities in this state;

(3) Provide information as appropriate to residents, resident representatives, and others regarding the rights of residents, and to public agencies regarding the problems of individuals residing in long-term care facilities; and

(4) Provide for training volunteers and promoting the development of citizen organizations to participate in the ombudsman program. A trained volunteer long-term care ombudsman, in accordance with the policies and procedures established by the state long-term care ombudsman program, shall inform residents, their representatives, and others about the rights of residents, and may identify, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities relating to action, inaction, or decisions, that may adversely affect the health, safety, welfare, and rights of these individuals.

Nothing in chapter 133, Laws of 1999 shall be construed to empower the state long-term care ombudsman or any local long-term care ombudsman with statutory or regulatory licensing or sanctioning authority.

[1999 c 133 § 1; 1995 1st sp.s. c 18 § 33; 1987 c 158 § 3; 1983 c 290 § 6.]

Notes:

Severability--1999 c 133: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 133 § 3.]

Effective date--1999 c 133: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 28, 1999]." [1999 c 133 § 4.]

Conflict with federal requirements--Severability--Effective date--1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

Definitions: See RCW 74.39.007.

RCW 43.190.065 Local and state long-term care ombudsmen--Duties and authority in federal older Americans act.

A local long-term care ombudsman, including a trained volunteer long-term care ombudsman, shall have the duties and authority set forth in the federal older Americans act (42 U.S.C. Sec. 3058 et seq.) for local ombudsmen. The state long-term care ombudsman and representatives of the office of the state long-term care ombudsman, shall have the duties and authority set forth in the federal older Americans act for the state long-term care ombudsman and representatives of the office of the state long-term care ombudsman.

[1999 c 133 § 2.]

Notes:

Severability--Effective date--1999 c 133: See notes following RCW 43.190.060.

RCW 43.190.070 Referral procedures--Action on complaints.

(1) The office of the state long-term care ombudsman shall develop referral procedures for all long-term care ombudsman programs to refer any complaint to any appropriate state or

local government agency. The department of social and health services shall act as quickly as possible on any complaint referred to them by a long-term care ombudsman.

(2) The department of social and health services shall respond to any complaint against a long-term care facility which was referred to it by a long-term care ombudsman and shall forward to that ombudsman a summary of the results of the investigation and action proposed or taken.

[1983 c 290 § 7.]

RCW 43.190.080 Development of procedures on right of entry to facilities--Access to residents--Preservation of rights.

(1) The office of the state long-term care ombudsman shall develop procedures governing the right of entry of all long-term care ombudsmen to long-term care facilities and shall have access to residents with provisions made for privacy for the purpose of hearing, investigating, and resolving complaints of, and rendering advice to, individuals who are patients or residents of the facilities at any time deemed necessary and reasonable by the state ombudsman to effectively carry out the provisions of this chapter.

(2) Nothing in this chapter restricts, limits, or increases any existing right of any organizations or individuals not described in subsection (1) of this section to enter or provide assistance to patients or residents of long-term care facilities.

(3) Nothing in this chapter restricts any right or privilege of any patient or resident of a long-term care facility to receive visitors of his or her choice.

[1983 c 290 § 8.]

RCW 43.190.090 Liability of ombudsman--Discriminatory, disciplinary, or retaliatory actions--Communications privileged--Testimony.

(1) No long-term care ombudsman is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any employee of a facility or agency, any patient, resident, or client of a long-term care facility, or any volunteer, for any communication made, or information given or disclosed, to aid the long-term care ombudsman in carrying out its duties and responsibilities, unless the same was done maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by a long-term care ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

(4) A representative of the office is exempt from being required to testify in court as to any confidential matters except as the court may deem necessary to enforce this chapter.

[1983 c 290 § 9.]

RCW 43.190.110 Confidentiality of records and files--Disclosures prohibited--Exception.

All records and files of long-term care ombudsmen relating to any complaint or investigation made pursuant to carrying out their duties and the identities of complainants, witnesses, patients, or residents shall remain confidential unless disclosure is authorized by the patient or resident or his or her guardian or legal representative. No disclosures may be made outside the office without the consent of any named witnesses, resident, patient, client, or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

[1983 c 290 § 11.]

RCW 43.190.120 Expenditure of funds on long-term care ombudsman program.

It is the intent that federal requirements be complied with and the department annually expend at least one percent of the state's allotment of social services funds from Title III B of the Older Americans Act of 1965, as it exists as of July 24, 1983, or twenty thousand dollars, whichever is greater to establish the state long-term care ombudsman program established by this chapter if funds are appropriated by the legislature.

[1983 c 290 § 12.]

RCW 43.190.900 Severability--1983 c 290.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 c 290 § 17.]

**Chapter 43.200 RCW
RADIOACTIVE WASTE ACT**

Sections

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Notes:

Nuclear energy and radiation: Chapter 70.98 RCW.

RCW 43.200.010 Finding--Purpose.

The legislature finds that the safe transporting, handling, storage, or otherwise caring for radioactive wastes is required to protect the health, safety, and welfare of the citizens of the state of Washington. It is the purpose of this chapter to establish authority for the state to exercise appropriate oversight and care for the safe management and disposal of radioactive wastes; to consult with the federal government and other states on interim or permanent storage of these radioactive wastes; and to carry out the state responsibilities under the federal nuclear waste policy act of 1982.

[1983 1st ex.s. c 19 § 1.]

RCW 43.200.015 Definitions.

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "High-level radioactive waste" means "high-level radioactive waste" as the term is defined in 42 U.S.C. Sec. 10101 (P.L. 97-425).

(2) "Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than one hundred nanocuries of transuranic contaminants per gram of material, nor spent nuclear fuel, nor material classified as either high-level radioactive waste or waste that is unsuited for disposal by near-surface burial under any applicable federal regulations.

(3) "Radioactive waste" means both high-level and low-level radioactive waste.

(4) "Spent nuclear fuel" means spent nuclear fuel as the term is defined in 42 U.S.C. Sec. 10101.

(5) "Department" means the department of ecology.

[1989 c 322 § 1; 1985 c 293 § 1; 1984 c 161 § 1.]

RCW 43.200.020 Participation authority regarding federal statutes--Federal financial assistance.

The department of ecology is designated as the executive branch agency for participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive waste policy act of 1980, however the legislature retains an autonomous role with respect to participation in all aspects of the federal nuclear waste policy act of 1982. The department may receive federal financial assistance for carrying out radioactive waste management activities, including assistance for expenses, salaries, travel, and monitoring and evaluating the program of repository exploration and siting undertaken by the federal government.

[1989 c 322 § 2; 1984 c 161 § 2; 1983 1st ex.s. c 19 § 2.]

RCW 43.200.030 Cooperation required.

All departments, agencies, and officers of this state and its subdivisions shall cooperate with the department of ecology in the furtherance of any of its activities pursuant to this chapter.

[1989 c 322 § 3; 1984 c 161 § 4; 1983 1st ex.s. c 19 § 3.]

RCW 43.200.040 Nuclear waste board created--Membership--Compensation and travel expenses.

Notes:

Reviser's note: RCW 43.200.040 was amended by 1989 1st ex.s. c 9 § 219 without reference to its repeal by 1989 c 322 § 7, effective July 23, 1989. It has been decodified for publication purposes pursuant to RCW 1.12.025.

RCW 43.200.070 Rules.

The department of ecology shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

[1989 c 322 § 5; 1986 c 2 § 5; 1984 c 161 § 8; 1983 1st ex.s. c 19 § 7.]

RCW 43.200.080 Additional powers and duties of director--Site closure account--Perpetual surveillance and maintenance account.

The director of ecology shall, in addition to the powers and duties otherwise imposed by

law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys, including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service fund, pursuant to RCW 43.08.190 accruing under the authority of this section shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service fund, pursuant to RCW 43.08.190 shall be directed to the site closure account and the perpetual surveillance and maintenance account as specified by the department. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear

facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management;

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The plans shall be updated annually.

[1999 c 372 § 12; 1991 sp.s. c 13 § 60; 1990 c 21 § 6; 1989 c 418 § 2; 1986 c 2 § 1; 1983 1st ex.s. c 19 § 8.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.
Suspension and reinstatement of site use permits: RCW 70.98.085.

RCW 43.200.170 Waste disposal surcharges and penalty surcharges--Disposition.

The governor may assess surcharges and penalty surcharges on the disposal of waste at the Hanford low-level radioactive waste disposal facility. The surcharges may be imposed up to the maximum extent permitted by federal law. Ten dollars per cubic foot of the moneys received under this section shall be transmitted monthly to the site closure account established under RCW 43.200.080. The rest of the moneys received under this section shall be deposited in the general fund.

[1990 c 21 § 3; 1986 c 2 § 3.]

RCW 43.200.180 Implementation of federal low-level radioactive waste policy amendments of 1985.

The department of ecology shall be the state agency responsible for implementation of the federal low-level radioactive waste policy amendments act of 1985, including:

- (1) Collecting and administering the surcharge assessed by the governor under RCW 43.200.170;
- (2) Collecting low-level radioactive waste data from disposal facility operators,

generators, intermediate handlers, and the federal department of energy;

(3) Developing and operating a computerized information system to manage low-level radioactive waste data;

(4) Denying and reinstating access to the Hanford low-level radioactive waste disposal facility pursuant to the authority granted under federal law;

(5) Administering and/or monitoring (a) the maximum waste volume levels for the Hanford low-level radioactive waste disposal facility, (b) reactor waste allocations, (c) priority allocations under the Northwest Interstate Compact on Low-Level Radioactive Waste Management, and (d) adherence by other states and compact regions to federal statutory deadlines; and

(6) Coordinating the state's low-level radioactive waste disposal program with similar programs in other states.

[1998 c 245 § 81; 1986 c 2 § 4.]

RCW 43.200.190 Studies on site closure and perpetual care and maintenance requirements and on adequacy of insurance coverage.

The department of ecology shall perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility.

[1998 c 245 § 82; 1986 c 2 § 6.]

RCW 43.200.200 Review of potential damage--Financial assurance.

(1) The director of the department of ecology shall periodically review the potential for bodily injury and property damage arising from the transportation and disposal of commercial low-level radioactive waste under permits issued by the state.

(2) The director may require permit holders to demonstrate financial assurance in an amount that is adequate to protect the state and its citizens from all claims, suits, losses, damages, or expenses on account of injuries to persons and property damage arising or growing out of the transportation or disposal of commercial low-level radioactive waste. The financial assurance may be in the form of insurance, cash deposits, surety bonds, corporate guarantees, and other acceptable instruments or guarantees determined by the director to be acceptable evidence of financial assurance.

(3) In making the determination of the appropriate level of financial assurance, the director shall consider:

(a) The nature and purpose of the activity and its potential for injury and damages to or claims against the state and its citizens;

(b) The current and cumulative manifested volume and radioactivity of waste being packaged, transported, buried, or otherwise handled;

(c) The location where the waste is being packaged, transported, buried, or otherwise

handled, including the proximity to the general public and geographic features such as geology and hydrology, if relevant; and

(d) The legal defense cost, if any, that will be paid from the required financial assurance amount.

(4) The director may establish different levels of required financial assurance for various classes of permit holders.

(5) The director shall establish by rule the instruments or mechanisms by which a permit applicant or holder may demonstrate financial assurance as required by RCW 43.200.210.

[1998 c 245 § 83; 1992 c 61 § 1; 1990 c 82 § 1; 1986 c 191 § 1.]

RCW 43.200.210 Immunity of state--Demonstration of financial assurance--Suspension of permit.

(1) The department of ecology shall require that any person who holds or applies for a permit under this chapter indemnify and hold harmless the state from claims, suits, damages, or expenses on account of injuries to or death of persons and property damage, arising or growing out of any operations and activities for which the person holds the permit, and any necessary or incidental operations.

(2) The department of ecology shall refuse to issue or shall suspend the permit of any person required by this section to demonstrate adequate financial assurance who fails to demonstrate compliance with this section. The permit shall not be issued or reinstated until the person demonstrates compliance with this section.

(3) The department of ecology shall require (a) that any person required to demonstrate financial assurance maintain with the agency current copies of any insurance policies, certificates of insurance, or any other documents sufficient to evidence compliance with this section, (b) that the agency be notified of any changes in the instruments of financial assurance or financial condition of the person, and (c) that the state be named as an insured party on any insurance policy used to comply with this section. This subsection shall not apply to any person subject to the same requirements under RCW 70.98.095.

[1992 c 61 § 2; 1990 c 82 § 2; 1986 c 191 § 2.]

RCW 43.200.220 Site closure fee--Generally.

Beginning January 1, 1993, the department of ecology may impose a reasonable site closure fee if necessary to be deposited in the site closure account established under RCW 43.200.080. The department may continue to collect moneys for the site closure account until the account contains an amount sufficient to complete the closure plan, as specified in the radioactive materials license issued by the department of health.

[1990 c 21 § 4.]

Notes:

Rate regulation anticipated--1990 c 21: "State and national policy directs that the management of

low-level radioactive waste shall be accomplished by a system of interstate compacts and the development of regional disposal sites. The Northwest regional compact, comprised of the states of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, and Washington, has as its disposal facility the low-level radioactive waste disposal site located near Richland, Washington. This site is expected to be the sole site for disposal of low-level radioactive waste for compact members effective January 1, 1993. Future closure of this site will require significant financial resources.

Low-level radioactive waste is generated by essential activities and services that benefit the citizens of the state. Washington state's low-level radioactive waste disposal site has been used by the nation and the Northwest compact as a disposal site since 1965. The public has come to rely on access to this site for disposal of low-level radioactive waste, which requires separate handling from other solid and hazardous wastes. The price of disposing of low-level radioactive waste at the Washington state low-level radioactive waste disposal site is anticipated to increase when the federal low-level radioactive waste policy amendments act of 1985 is implemented and waste generated outside the Northwest compact states is excluded. To protect Washington and other Northwest compact states' businesses and services, such as electrical production, medical and university research, and private industries, upon which the public relies, there may be a need to regulate the rates charged by the operator of Washington's low-level radioactive waste disposal site." [1990 c 21 § 1.]

Low-level waste disposal rate regulation study: RCW 81.04.520.

RCW 43.200.230 Fees for waste generators.

The director of the department of ecology shall require that generators of waste pay a fee for each cubic foot of waste disposed at any facility in the state equal to six dollars and fifty cents. The fee shall be imposed specifically on the generator of the waste and shall not be considered to apply in any way to the low-level site operator's disposal activities. The fee shall be allocated in accordance with RCW 43.200.233 and 43.200.235. This subsection shall be invalidated and the authorization to collect a surcharge removed if the legislature or any administrative agency of the state of Washington prior to January 1, 1993, (1) imposes fees, assessments, or charges other than perpetual care and maintenance, site surveillance, and site closing fees currently applicable to the Hanford commercial low-level waste site operator's activities, (2) imposes any additional fees, assessments, or charges on generators using the Hanford commercial low-level waste site, or (3) increases any existing fees, assessments, or charges.

[1991 c 272 § 16.]

Notes:

Effective dates--1991 c 272: See RCW 81.108.901.

RCW 43.200.233 Waste generator surcharge remittal to counties.

A portion of the surcharge received under RCW 43.200.230 shall be remitted monthly to the county in which the low-level radioactive waste disposal facility is located in the following manner:

- (1) During 1993, six dollars and fifty cents per cubic foot of waste;
- (2) During 1994, three dollars and twenty-five cents per cubic foot of waste; and
- (3) During 1995 and thereafter, two dollars per cubic foot of waste.

[1991 c 272 § 17.]

Notes:

Effective dates--1991 c 272: See RCW 81.108.901.

RCW 43.200.235 Disposal of waste generator surcharges.

Except for moneys that may be remitted to a county in which a low-level radioactive waste disposal facility is located, all surcharges authorized under RCW 43.200.230 shall be deposited in the fund created in RCW 43.31.422.

[1991 c 272 § 18.]

Notes:

Effective dates--1991 c 272: See RCW 81.108.901.

RCW 43.200.900 Construction of chapter.

The rules of strict construction do not apply to this chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the board the maximum possible freedom in carrying the provisions of this chapter into effect.

[1984 c 161 § 15; 1983 1st ex.s. c 19 § 10.]

RCW 43.200.901 Conflict with federal requirements--1983 1st ex.s. c 19.

If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1983 1st ex.s. c 19 § 11.]

RCW 43.200.902 Severability--1983 1st ex.s. c 19.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 1st ex.s. c 19 § 12.]

RCW 43.200.903 Severability--1984 c 161.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1984 c 161 § 17.]

RCW 43.200.905 Construction--1986 c 191.

The provisions of this act shall not have the effect of reducing the level of liability coverage required under any law, regulation, or contract of the state before December 31, 1987, or the effective date of the first determination made pursuant to RCW 43.200.200, if earlier.

[1986 c 191 § 4.]

RCW 43.200.906 Severability--1986 c 191.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1986 c 191 § 6.]

**Chapter 43.205 RCW
HIGH-LEVEL NUCLEAR WASTE REPOSITORY SITING**

Sections

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| 43.205.020 | Duties relating to the site selection process for a high-level nuclear waste repository. |
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Notes:

Nuclear waste site--Election for disapproval: Chapter 29.91 RCW.

RCW 43.205.010 Findings.

The legislature and the people of the state of Washington find that:

(1) In order to solve the problem of high-level radioactive waste disposal, congress established a process for selecting two sites for the safe, permanent, and regionally equitable disposal of such waste.

(2) The process of selecting three sites as final candidates, including the Hanford reservation, for a first high-level nuclear waste repository by the United States department of energy violated the intent and the mandate of congress.

(3) The United States department of energy has prematurely deferred consideration of numerous potential sites and disposal media that its own research indicates are more appropriate, safer, and less expensive.

(4) Placement of a repository at Hanford without methodical and independently verified

scientific evaluation will pose a threat to the health and safety of the people and the environment of this state.

(5) The selection process is flawed and not credible because it did not include independent experts in the selection of the sites and in the review of that selection, as recommended by the National Academy of Sciences.

(6) By postponing indefinitely all site specific work for a second repository, the United States department of energy has not complied with the intent of congress expressed in the Nuclear Waste Policy Act, Public Law 97-425, and the fundamental compromise which enabled its enactment.

[1986 ex.s. c 1 § 1.]

RCW 43.205.020 Duties relating to the site selection process for a high-level nuclear waste repository.

In order to achieve complete compliance with federal law and protect the health, safety, and welfare of the people of the state of Washington, the governor, the legislature, other state-wide elected officials, and the nuclear waste board shall use all legal means necessary to:

(1) Suspend the preliminary site selection process for a high-level nuclear waste repository, including the process of site characterization, until there is compliance with the intent of the Nuclear Waste Policy Act;

(2) Reverse the secretary of energy's decision to postpone indefinitely all site specific work on locating and developing a second repository for high-level nuclear waste;

(3) Insist that the United States department of energy's site selection process, when resumed, considers all acceptable geologic media and results in safe, scientifically justified, and regionally and geographically equitable high-level nuclear waste disposal;

(4) Demand that federal budget actions fully and completely follow the intent of the Nuclear Waste Policy Act; and

(5) Continue to pursue alliances with other states and interested parties, particularly with Pacific Northwest governors, legislatures, and other parties, affected by the site selection and transportation of high-level nuclear waste.

[1986 ex.s. c 1 § 2.]

RCW 43.205.900 Transmission of copies of act--1986 ex.s. c 1.

See RCW 29.91.900.

RCW 43.205.901 Referral to electorate--Ballot title--1986 ex.s. c 1.

See RCW 29.91.901.

Chapter 43.210 RCW

SMALL BUSINESS EXPORT FINANCE ASSISTANCE CENTER

(Formerly: Export assistance center)

Sections

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RCW 43.210.010 Findings.

The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state in acquiring information about export opportunities and financial alternatives for exporting.

[1990 1st ex.s. c 17 § 65; 1985 c 231 § 1; 1983 1st ex.s. c 20 § 1.]

Notes:

Intent--1990 1st ex.s. c 17: "The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth; much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas and the state.

To accomplish this goal it is the intent of the legislature to: (1) Assure equitable opportunities to secure prosperity for distressed areas, rural communities, and disadvantaged populations by promoting urban-rural economic links, and by promoting value-added product development, business networks, and increased exports from rural areas; (2) improve the economic development service delivery system to be better able to serve these areas, communities, and populations; (3) redirect the priorities of the state's economic development programs to focus economic development efforts into areas and sectors of the greatest need; (4) build local capacity so that communities are better able to plan for growth and achieve self-reliance; (5) administer grant programs to promote

new feasibility studies and project development on projects of interest to rural areas or areas outside of the Puget Sound region; and (6) develop a coordinated economic investment strategy involving state economic development programs, businesses, educational and vocational training institutions, local governments and local economic development organizations, ports, and others." [1990 1st ex.s. c 17 § 64.]

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 43.210.020 Small business export finance assistance center authorized--Purposes.

A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

[1998 c 109 § 1; 1990 1st ex.s. c 17 § 66; 1985 c 231 § 2; 1983 1st ex.s. c 20 § 2.]

Notes:

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Transfer of property--1985 c 231: "All reports, documents, surveys, books, records, files, papers, or written material in the possession of the export assistance center shall be delivered to the custody of the small business export finance assistance center. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the export assistance center shall be made available to the small business export finance assistance center. All funds, credits, or other assets held by the export assistance center shall be assigned to the small business export finance assistance center.

Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned." [1985 c 231 § 7.]

Existing contracts--1985 c 231: "All existing contracts and obligations shall remain in full force and shall be performed by the small business export finance assistance center." [1985 c 231 § 8.]

Savings--1985 c 231: "The transfer of the powers, duties, and functions of the export assistance center shall not affect the validity of any act performed prior to May 10, 1985." [1985 c 231 § 9.]

RCW 43.210.030 Board of directors--Membership--Terms--Vacancies.

The small business export finance assistance center and its branches shall be governed and managed by a board of seven directors appointed by the governor, with the advice of the board, and confirmed by the senate. The directors shall serve terms of four years following the terms of service established by the initial appointments after June 11, 1998. Three appointees, including directors on June 11, 1998, who are reappointed, must serve initial terms of two years and, if a director is reappointed that director may serve a consecutive four-year term. Four appointees, including directors on June 11, 1998, who are reappointed, must serve initial terms of four years and, if a director is reappointed that director may serve a consecutive four-year

term. After the initial appointments, directors may serve two consecutive terms. The directors may provide for the payment of their expenses. The directors shall include the director of community, trade, and economic development or the director's designee; representatives of a large financial institution engaged in financing export transactions in the state of Washington; a small financial institution engaged in financing export transactions in the state of Washington; a large exporting company domiciled in the state of Washington; a small exporting company in the state of Washington; organized labor in a trade involved in international commerce; and a representative at large. To the extent possible, appointments to the board shall reflect geographical balance and the diversity of the state population. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

[1998 c 109 § 2; 1995 c 399 § 106; 1991 c 314 § 15; 1985 c 231 § 3; 1983 1st ex.s. c 20 § 3.]

NOTES:

Findings--1991 c 314: See note following RCW 43.160.020.

RCW 43.210.040 Powers and duties.

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall have the powers granted under chapter 24.03 RCW. In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Provide assistance to businesses with annual sales of two hundred million dollars or less in obtaining loans and guarantees of loans made by financial institutions for the purpose of financing export of goods or services from the state of Washington;

(c) Provide export finance and risk mitigation counseling to Washington exporters with annual sales of two hundred million dollars or less, provided that such counseling is not practicably available from a Washington for-profit business. For such counseling, the center may charge reasonable fees as it determines are necessary;

(d) Provide assistance in obtaining export credit insurance or alternate forms of foreign risk mitigation to facilitate the export of goods and services from the state of Washington;

(e) Be available as a teaching resource to both public and private sponsors of workshops and programs relating to the financing and risk mitigation aspects of exporting products and services from the state of Washington;

(f) Develop a comprehensive inventory of export-financing resources, both public and private, including information on resource applicability to specific countries and payment terms;

(g) Contract with the federal government and its agencies to become a program administrator for federally provided loan guarantee and export credit insurance programs; and

(h) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan

guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation.

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

[1998 c 109 § 3; 1987 c 505 § 43; 1985 c 231 § 4; 1983 1st ex.s. c 20 § 4.]

RCW 43.210.050 Export assistance services contract with department of community, trade, and economic development.

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall enter into a contract under this chapter with the department of community, trade, and economic development or its statutory successor. The contract shall require the center to provide export assistance services, consistent with *RCW 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the *Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the *Pacific Northwest export assistance project. The provisions of the contract related to the *Pacific Northwest export assistance project may be changed at any time if the director of the department of community, trade, and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of community, trade, and economic development and the small business export finance assistance center when the *Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture.

[1998 c 245 § 84; 1995 c 399 § 107; 1991 c 314 § 16. Prior: 1985 c 466 § 64; 1985 c 231 § 5; 1983 1st ex.s. c 20 § 5.]

NOTES:

*Reviser's note: The "Pacific Northwest export assistance project" was sunsetted by RCW 43.131.373

and 43.131.374, and RCW 43.210.070 and 43.210.100 through 43.210.120 were repealed by 1991 c 314 § 18, effective June 30, 1997.

Findings--1991 c 314: See note following RCW 43.160.020.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.210.060 Rule-making authority.

The department of community, trade, and economic development or its statutory successor shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

[1995 c 399 § 108; 1985 c 466 § 65; 1983 1st ex.s. c 20 § 6.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.210.130 Minority business export outreach program.

The small business export finance assistance center shall develop a minority business export outreach program. The program shall provide outreach services to minority-owned businesses in Washington to inform them of the importance of and opportunities in international trade, and to inform them of the export assistance programs available to assist these businesses to become exporters.

[1993 c 512 § 5.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

Office of minority and women's business enterprises: Chapter 39.19 RCW.

Small business bonding assistance program: Chapter 43.172 RCW.

**Chapter 43.220 RCW
WASHINGTON CONSERVATION CORPS**

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| 43.220.904 | Effective date--1999 c 280. |

RCW 43.220.010 Legislative declaration.

The legislature declares that:

(1) A central element in the development of the state's young is the provision of meaningful work experience to teach the value of labor and membership in a productive society;

(2) It is important to provide an opportunity for group-oriented public service experiences for the state's young persons;

(3) The state is still benefiting from the wide range of public works accomplished by the conservation corps many years ago and that a similar program will likewise benefit future generations; and

(4) Values of hard work, public spiritedness, group achievement and cooperation, resource conservation, and environmental appreciation can and should be transmitted to society's youth through a conservation corps program.

[1983 1st ex.s. c 40 § 2.]

RCW 43.220.020 Conservation corps created.

The Washington conservation corps is hereby created, to be implemented by the following state departments: The employment security department, the department of ecology, the department of fish and wildlife, the department of natural resources, and the state parks and recreation commission.

[1999 c 280 § 1; 1994 c 264 § 32; 1988 c 36 § 23; 1983 1st ex.s. c 40 § 1.]

RCW 43.220.030 Program goals.

Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources with emphasis given to projects which address the following state-wide priorities:

(a) Timber, fish and wildlife management plan;

- (b) Watershed management plan;
- (c) Eco-tourism and heritage tourism;
- (d) State-wide water quality;
- (e) United States-Canada fisheries treaty;
- (f) Public access to and environmental education about stewardship of natural resources on state lands;
- (g) Recreational trails;
- (h) Salmon recovery and volunteer initiatives;
- (2) Development of the state's youth resources through meaningful work experiences;
- (3) Making outdoor and historic resources of the state available for public enjoyment;
- (4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;
- (5) Assisting agencies in carrying out statutory assignments with limited funding resources; and
- (6) Providing needed public services in both urban and rural settings with emphasis in a distressed area or areas.

[1999 c 280 § 2; 1987 c 367 § 1; 1983 1st ex.s. c 40 § 3.]

RCW 43.220.040 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.
- (2) "Corps" means the Washington conservation corps.
- (3) "Corps member" means an individual enrolled in the Washington conservation corps.
- (4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.
- (5) "Crew supervisor" means temporary, project, or permanent state employees who supervise corps members and coordinate work project design and completion.
- (6) "Distressed area" has the meaning as defined in RCW 43.168.020.

[1999 c 280 § 3; 1999 c 151 § 1301; 1987 c 367 § 2; 1983 1st ex.s. c 40 § 4.]

Notes:

Reviser's note: This section was amended by 1999 c 151 § 1301 and by 1999 c 280 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.220.060 Powers and duties--Effect on employed workers--Use of facilities, supplies, instruments, and tools of supervising agency.

- (1) Each state department identified in RCW 43.220.020 shall have the following powers

and duties to carry out its functions relative to the Washington conservation corps:

(a) Recruiting and employing staff, corps members, corps member leaders, and specialists;

(b) Executing agreements for furnishing the services of the corps to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

(c) Applying for and accepting grants or contributions of funds from any private source;

(d) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed; and

(e) Entering into agreements with community colleges within the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

[1999 c 280 § 4; 1987 c 505 § 44; 1983 1st ex.s. c 40 § 6.]

RCW 43.220.070 Corps membership--Eligibility, terms, etc.

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. The upper age requirement may be waived for residents who have a sensory or mental handicap.

Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) The legislature finds that people with developmental disabilities would benefit from experiencing a meaningful work experience, and learning the value of labor and of membership in a productive society.

The legislature urges state agencies that are participating in the Washington conservation corps program to consider for enrollment in the program people who have developmental disabilities, as defined in RCW 71A.10.020.

If an agency chooses to enroll people with developmental disabilities in its Washington conservation corps program, the agency may apply to the United States department of labor, employment standards administration for a special subminimum wage certificate in order to be allowed to pay enrollees with developmental disabilities according to their individual levels of productivity.

(3) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew supervisors, who shall be project employees, and the administrative and supervisory personnel.

(4) Enrollment shall be for a period of six months which may be extended for additional six-month periods by mutual agreement of the corps and the corps member, not to exceed two years. Corps members shall be reimbursed at the minimum wage rate established by state or federal law, whichever is higher, which may be increased by up to five percent for each additional six-month period worked: PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(5) Corps members are to be available at all times for emergency response services coordinated through the department of community, trade, and economic development or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

[1999 c 280 § 5; 1995 c 399 § 112; 1990 c 71 § 2; 1988 c 78 § 1; 1986 c 266 § 48. Prior: 1985 c 230 § 7; 1985 c 7 § 110; 1983 1st ex.s. c 40 § 7.]

Notes:

Legislative finding--1990 c 71: "The legislature finds that the Washington conservation corps has proven to be an effective method to provide meaningful work experience for many of the state's young persons. Because of recent, and possible future, increases in the minimum wage laws, it is necessary to make an adjustment in the limitation that applies to corps member reimbursements." [1990 c 71 § 1.]

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.220.080 Selection of corps members--Development of corps program.

Conservation corps members shall be selected based on their orientation towards public service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member's understanding of, and willingness to abide by, such standards.

In the development of the corps program, consideration shall be given to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.

[1983 1st ex.s. c 40 § 8.]

RCW 43.220.090 Conservation corps established in department of ecology--Work project areas.

- (1) There is established a conservation corps within the department of ecology.
- (2) Specific work project areas of the ecology conservation corps may include the following:
 - (a) Litter pickup as a supplement to the role of the litter patrol established by the waste reduction, recycling, and model litter control act, chapter 70.93 RCW;
 - (b) Stream rehabilitation, including trash removal, in-stream debris removal, and clearance of log jams and silt accumulation, to the extent that such projects do not conflict with similar tasks undertaken by the department of fish and wildlife;
 - (c) Minimum flow field work and stream gauging;
 - (d) Identification of indiscriminate solid waste dump sites;
 - (e) Laboratory and office assistance;
 - (f) General maintenance and custodial work at sewage treatment plants;
 - (g) Irrigation district assistance, including ditch cleaning and supervised work in surveying and engineering;
 - (h) Streambank erosion control; and
 - (i) Other projects as the director may determine. If a project requires certain levels of academic training, the director may assign corps members to categories of work projects according to educational background. If appropriate facilities are available, the director may authorize carrying out projects which involve overnight stays.

[1994 c 264 § 33; 1983 1st ex.s. c 40 § 9.]

RCW 43.220.120 Conservation corps established in department of fish and wildlife--Work project areas.

- (1) There is established a conservation corps within the department of fish and wildlife.
- (2) Specific work project areas of the fish and wildlife conservation corps may include

the following:

- (a) Habitat development;
- (b) Land clearing;
- (c) Construction projects;
- (d) Noxious weed control;
- (e) Brush cutting;
- (f) Reader board construction;
- (g) Painting;
- (h) Cleaning and repair of rearing ponds;
- (i) Fishtrap construction;
- (j) Brush clearance;
- (k) Spawning channel restoration;
- (l) Log removal;
- (m) Nest box maintenance and cleaning;
- (n) Fence building;
- (o) Winter game feeding and herding;
- (p) Stream rehabilitation;
- (q) Fish hatchery operation and maintenance;
- (r) Fish tagging; and

(s) Such other projects as the director of fish and wildlife may determine. If appropriate facilities are available, the director of fish and wildlife may authorize carrying out projects which involve overnight stays.

[1999 c 280 § 6; 1994 c 264 § 34; 1988 c 36 § 24; 1983 1st ex.s. c 40 § 12.]

RCW 43.220.130 Conservation corps established in department of natural resources--Work project areas.

(1) There is established a conservation corps within the department of natural resources.

(2) Specific work project areas of the natural resources conservation corps may include the following:

- (a) Research assistance;
- (b) Recreation projects;
- (c) Slash disposal;
- (d) Pit site reclamation;
- (e) Road deactivation;
- (f) Animal damage control;
- (g) Reforestation;
- (h) Wood cutting;
- (i) Firewood systems development;
- (j) Noxious weed control;
- (k) Fence construction and maintenance;
- (l) Wood products manufacturing;

- (m) Riparian area cleaning;
- (n) Spring development for grazing;
- (o) Erosion control;
- (p) Control of fires; and
- (q) Such other projects as the commissioner of public lands may determine. If appropriate facilities are available, the commissioner of public lands may authorize carrying out projects which involve overnight stays.

[1983 1st ex.s. c 40 § 13.]

RCW 43.220.160 Conservation corps established in state parks and recreation commission--Work project areas.

(1) There is established a conservation corps within the state parks and recreation commission.

(2) Specific work project areas of the state parks and recreation conservation corps may include the following:

- (a) Restoration or development of park facilities;
- (b) Trail construction and maintenance;
- (c) Litter control;
- (d) Park and land rehabilitation;
- (e) Fire suppression;
- (f) Road repair; and

(g) Other projects as the state parks and recreation commission may determine. If appropriate facilities are available, the state parks and recreation commission may authorize carrying out projects which involve overnight stays.

[1999 c 249 § 702; 1983 1st ex.s. c 40 § 16.]

Notes:

Severability--1999 c 249: See note following RCW 79A.05.010.

RCW 43.220.170 Exemption from unemployment compensation coverage.

The services of corps members placed with agencies listed in RCW 43.220.020 are exempt from unemployment compensation coverage under RCW 50.44.040(5) and the enrollees shall be so advised by the department.

[1983 1st ex.s. c 40 § 17.]

RCW 43.220.180 Identification of historic properties and sites in need of rehabilitation or renovation--Use of corps members.

The state historic preservation officer shall review the state and national registers of historic places to identify publicly owned historic properties and sites within the state which are

in need of rehabilitation or renovation and which could utilize parks and recreation conservation corps members in such rehabilitation or renovation. Any such tasks shall be performed in such a way as not to conflict with the historic character of the structure as determined by the state historic preservation officer.

Conservation corps members shall be made available for tasks identified by the state historic preservation officer in the rehabilitation and renovation of historic sites within the state.

[1983 1st ex.s. c 40 § 18.]

RCW 43.220.190 Duties of agencies.

The agencies listed in RCW 43.220.020 shall establish consistent work standards and placement and evaluation procedures of corps programs. They shall also reconcile problems that arise in the implementation of the corps programs and develop coordination procedures for emergency responses of corps members.

[1999 c 151 § 1302; 1987 c 367 § 3; 1983 1st ex.s. c 40 § 20.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.220.210 Selection, review, approval, and evaluation of projects--Recruitment, job training and placement services.

The agencies listed in RCW 43.220.020 shall select, review, approve, and evaluate the success of projects under this chapter.

Up to fifteen percent of funds spent for recruitment, job training and placement services shall, wherever possible, be contracted through local educational institutions and/or nonprofit corporations.

Such contracts may include, but not be limited to, general education development testing, preparation of resumes and job search skills.

All contracts or agreements entered into by agencies listed in RCW 43.220.020 shall be consistent with legislative intent as set forth in this section.

[1999 c 151 § 1303; 1987 c 367 § 4; 1985 c 230 § 1.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.220.231 Limitation on use of funds.

(1) An amount not to exceed five percent of the funds available for the Washington conservation corps may be expended on agency administrative costs. Agency administrative costs are indirect expenses such as personnel, payroll, contract administration, fiscal services, and other overhead costs.

(2) An amount not to exceed twenty percent of the funds available for the Washington conservation corps may be expended for costs included in subsection (1) of this section and program support costs. Program support costs include, but are not limited to, program planning,

development of reports, job and career training, uniforms and equipment, and standard office space and utilities. Program support costs do not include direct scheduling and supervision of corps members.

(3) A minimum of eighty percent of the funds available for the Washington conservation corps shall be expended for corps member salaries and benefits and for direct supervision of corps members.

[1999 c 280 § 7.]

RCW 43.220.240 Staff support--Administration.

Notes:

Reviser's note: RCW 43.220.240 was amended by 1999 c 151 § 1304 without reference to its repeal by 1999 c 280 § 8. It has been decodified for publication purposes under RCW 1.12.025.

RCW 43.220.250 Reimbursement of nonprofit corporations for certain services.

A nonprofit corporation which contracts with an agency listed in RCW 43.220.020 to provide a specific service, appropriate for the administration of this chapter which the agency cannot otherwise provide, may be reimbursed at the discretion of the agency for the reasonable costs the agency would absorb for providing those services.

[1985 c 230 § 5.]

RCW 43.220.901 Severability--1983 1st ex.s. c 40.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 1st ex.s. c 40 § 24.]

RCW 43.220.902 Severability--1985 c 230.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1985 c 230 § 9.]

RCW 43.220.903 Severability--1987 c 367.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1987 c 367 § 6.]

RCW 43.220.904 Effective date--1999 c 280.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 1999].

[1999 c 280 § 9.]

**Chapter 43.235 RCW
DOMESTIC VIOLENCE FATALITY REVIEW PANELS**

Sections

| | |
|------------|---|
| 43.235.010 | Definitions. |
| 43.235.020 | Coordination of review--Authority of coordinating entity--Regional domestic violence review panels--Citizen requests. |
| 43.235.030 | Domestic violence review panels--Composition--Reports. |
| 43.235.040 | Confidentiality--Access to information. |
| 43.235.050 | Immunity from liability. |
| 43.235.060 | Data collection and analysis. |
| 43.235.800 | State-wide report. |
| 43.235.900 | Conflict with federal requirements--2000 c 50. |

RCW 43.235.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of social and health services.
- (2) "Domestic violence fatality" means a homicide or suicide under any of the following circumstances:
 - (a) The alleged perpetrator and victim resided together at any time;
 - (b) The alleged perpetrator and victim have a child in common;
 - (c) The alleged perpetrator and victim were married, divorced, separated, or had a dating relationship;
 - (d) The alleged perpetrator had been stalking the victim;
 - (e) The homicide victim lived in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a victim who experienced or was threatened with domestic abuse by the alleged perpetrator; or
 - (f) The victim or perpetrator was a child of a person in a relationship that is described within this subsection.

This subsection should be interpreted broadly to give the domestic violence fatality

review panels discretion to review fatalities that have occurred directly to domestic relationships.

[2000 c 50 § 1.]

RCW 43.235.020 Coordination of review--Authority of coordinating entity--Regional domestic violence review panels--Citizen requests.

(1) Subject to the availability of state funds, the department shall contract with an entity with expertise in domestic violence policy and education and with a state-wide perspective to coordinate review of domestic violence fatalities. The coordinating entity shall be authorized to:

- (a) Convene regional review panels;
- (b) Gather information for use of regional review panels;
- (c) Provide training and technical assistance to regional review panels;
- (d) Compile information and issue biennial reports with recommendations; and
- (e) Establish a protocol that may be used as a guideline for identifying domestic violence related fatalities, forming review panels, convening reviews, and selecting which cases to review. The coordinating entity may also establish protocols for data collection and preservation of confidentiality.

(2)(a) The coordinating entity may convene a regional domestic violence fatality review panel to review any domestic violence fatality.

(b) Private citizens may request a review of a particular death by submitting a written request to the coordinating entity within two years of the death. Of these, the appropriate regional review panel may review those cases which fit the criteria set forth in the protocol for the project.

[2000 c 50 § 2.]

RCW 43.235.030 Domestic violence review panels--Composition--Reports.

(1) Regional domestic violence fatality review panels shall include but not be limited to:

- (a) Medical personnel with expertise in domestic violence abuse;
- (b) Coroners or medical examiners or others experienced in the field of forensic pathology, if available;
- (c) County prosecuting attorneys and municipal attorneys;
- (d) Domestic violence shelter service staff and domestic violence victims' advocates;
- (e) Law enforcement personnel;
- (f) Local health department staff;
- (g) Child protective services workers;
- (h) Community corrections professionals;
- (i) Perpetrator treatment program provider; and
- (j) Judges, court administrators, and/or their representatives.

(2) Regional domestic violence fatality review panels may also invite other relevant persons to serve on an ad hoc basis and participate as full members of the review team [panel] for a particular review. These persons may include, but are not limited to:

- (a) Individuals with particular expertise helpful to the regional review panel;
 - (b) Representatives of organizations or agencies that had contact with or provided services to the homicide victim or to the alleged perpetrator.
- (3) The regional review panels shall make periodic reports to the coordinating entity and shall make a final report to the coordinating entity with regard to every fatality that is reviewed.

[2000 c 50 § 3.]

RCW 43.235.040 Confidentiality--Access to information.

(1) An oral or written communication or a document shared within or produced by a regional domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a regional domestic violence fatality review panel, or between a third party and a regional domestic violence fatality review panel is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the regional domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The regional review panels, only to the extent otherwise permitted by law or court rule, shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The regional review panels shall review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary to an investigation, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information determined to be relevant to the review. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

[2000 c 50 § 4.]

RCW 43.235.050 Immunity from liability.

If acting in good faith, without malice, and within the parameters of this chapter and the protocols established, representatives of the coordinating entity and the regional domestic violence fatality review panels are immune from civil liability for an activity related to reviews

of particular fatalities.

[2000 c 50 § 5.]

RCW 43.235.060 Data collection and analysis.

Within available funds, data regarding each domestic violence fatality review shall be collected on standard forms created by the coordinating entity. Data collected on reviewed fatalities shall be compiled and analyzed for the purposes of identifying points at which the system response to domestic violence could be improved and identifying patterns in domestic violence fatalities.

[2000 c 50 § 6.]

RCW 43.235.800 State-wide report.

(1) A biennial state-wide report shall be issued by the coordinating entity in December of even-numbered years containing recommendations on policy changes that would improve program performance, and issues identified through the work of the regional panels. Copies of this report shall be distributed to the governor, the house of representatives children and family services and criminal justice and corrections committees, and the senate human services and corrections and judiciary committees and to those agencies involved in the regional domestic violence fatality review panels.

(2) The annual report in December 2010 shall contain a recommendation as to whether or not the domestic violence review process provided for in this chapter should continue or be terminated by the legislature.

[2000 c 50 § 7.]

RCW 43.235.900 Conflict with federal requirements--2000 c 50.

If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

[2000 c 50 § 9.]

**Chapter 43.250 RCW
INVESTMENT OF LOCAL GOVERNMENT FUNDS**

Sections

| | |
|------------|--|
| 43.250.010 | Purpose. |
| 43.250.020 | Definitions. |
| 43.250.030 | Public funds investment account. |
| 43.250.040 | Authority of official to place funds in the public funds investment account--Investment of funds by state treasurer--Degree of judgment and care required. |
| 43.250.050 | Employment of personnel. |
| 43.250.060 | Investment pool--Generally. |
| 43.250.070 | Investment pool--Separate accounts for participants--Monthly status report. |
| 43.250.080 | Annual summary of activity. |
| 43.250.090 | Administration of chapter--Rules. |

Notes:

Investment accounting: RCW 43.33A.180.

RCW 43.250.010 Purpose.

The purpose of this chapter is to enable political subdivisions, community and technical college districts, the state board for community and technical colleges as established in chapter 28B.50 RCW, and public four-year institutions of higher education to participate with the state in providing maximum opportunities for the investment of surplus public funds consistent with the safety and protection of such funds. The legislature finds and declares that the public interest is found in providing maximum prudent investment of surplus funds, thereby reducing the need for additional taxation. The legislature also recognizes that not all political subdivisions are able to maximize the return on their temporary surplus funds. The legislature therefore provides in this chapter a mechanism whereby political subdivisions, community and technical colleges, the state board for community and technical colleges, and public four-year institutions of higher education may, at their option, utilize the resources of the state treasurer's office to maximize the potential of surplus funds while ensuring the safety of public funds.

[2001 c 31 § 1; 1996 c 268 § 1; 1986 c 294 § 1.]

RCW 43.250.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Public funds investment account" or "investment pool" means the aggregate of all funds as defined in subsection (5) of this section that are placed in the custody of the state treasurer for investment and reinvestment.

(2) "Political subdivision" means any county, city, town, municipal corporation, political subdivision, or special purpose taxing district in the state.

(3) "Local government official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision. However, the county treasurer shall be deemed the only local government official for all political subdivisions for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(4) "Financial officer" means the board-appointed treasurer of a community or technical college district, the state board for community and technical colleges, or a public four-year institution of higher education.

(5) "Funds" means:

(a) Public funds under the control of or in the custody of any local government official or local funds, as defined by the office of financial management publication "Policies, Regulations and Procedures," under the control of or in the custody of a financial officer by virtue of the official's authority that are not immediately required to meet current demands;

(b) State funds deposited in the investment pool by the state treasurer that are the proceeds of bonds, notes, or other evidences of indebtedness authorized by the state finance committee under chapter 39.42 RCW or payments pursuant to financing contracts under chapter 39.94 RCW, when the investments are made in order to comply with the Internal Revenue Code of 1986, as amended.

[2001 c 31 § 2; 1996 c 268 § 2; 1990 c 106 § 1; 1986 c 294 § 2.]

RCW 43.250.030 Public funds investment account.

There is created a trust fund to be known as the public funds investment account. The account is to be separately accounted for and invested by the state treasurer. All moneys remitted under this chapter shall be deposited in this account. All earnings on any balances in the public funds investment account, less moneys for administration pursuant to RCW 43.250.060, shall be credited to the public funds investment account.

[1991 sp.s. c 13 § 86; 1990 c 106 § 2; 1986 c 294 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.250.040 Authority of official to place funds in the public funds investment account--Investment of funds by state treasurer--Degree of judgment and care required.

If authorized by statute, local ordinance, or resolution, a local government official or financial officer or his or her designee may place funds into the public funds investment account for investment and reinvestment by the state treasurer in those securities and investments set forth in RCW 43.84.080 and chapter 39.58 RCW. The state treasurer shall invest the funds in such manner as to effectively maximize the yield to the investment pool. In investing and reinvesting moneys in the public funds investment account and in acquiring, retaining, managing, and disposing of investments of the investment pool, there shall be exercised the judgment and care under the circumstances then prevailing which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital.

[2001 c 31 § 3; 1996 c 268 § 3; 1986 c 294 § 4.]

RCW 43.250.050 Employment of personnel.

The state treasurer's office is authorized to employ such personnel as are necessary to administer the public funds investment account. The bond of the state treasurer as required by law shall be made to include the faithful performance of all functions relating to the investment pool.

[1986 c 294 § 5.]

RCW 43.250.060 Investment pool--Generally.

The state treasurer shall by rule prescribe the time periods for investments in the investment pool and the procedure for withdrawal of funds from the investment pool. The state treasurer shall promulgate such other rules as are deemed necessary for the efficient operation of the investment pool. The rules shall also provide for the administrative expenses of the investment pool, including repayment of the initial administrative costs financed out of the appropriation included in chapter 294, Laws of 1986, to be paid from the pool's earnings and for the interest earnings in excess of the expenses to be credited or paid to participants in the pool. The state treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any funds appropriated and expended for the initial administrative costs of the pool. Any credits or payments to the participants shall be calculated and made in a manner which equitably reflects the differing amounts of the participants' respective deposits in the investment pool fund and the differing periods of time for which the amounts were placed in the investment pool.

[1990 c 106 § 3; 1986 c 294 § 6.]

RCW 43.250.070 Investment pool--Separate accounts for participants--Monthly status report.

The state treasurer shall keep a separate account for each participant having funds in the investment pool. Each separate account shall record the individual amounts deposited in the investment pool, the date of withdrawals, and the earnings credited or paid. The state treasurer shall report monthly the status of the respective account to each participant having funds in the pool during the previous month.

[1990 c 106 § 4; 1986 c 294 § 7.]

RCW 43.250.080 Annual summary of activity.

At the end of each fiscal year, the state treasurer shall submit to the governor, the state auditor, and the joint legislative audit and review committee a summary of the activity of the investment pool. The summary shall indicate the quantity of funds deposited; the earnings of the pool; the investments purchased, sold, or exchanged; the administrative expenses of the investment pool; and such other information as the state treasurer deems relevant.

[1996 c 288 § 48; 1986 c 294 § 8.]

RCW 43.250.090 Administration of chapter--Rules.

The state finance committee shall administer this chapter and adopt appropriate rules.

[1986 c 294 § 9.]

**Chapter 43.270 RCW
COMMUNITY MOBILIZATION AGAINST SUBSTANCE ABUSE**

Sections

| | |
|------------|--|
| 43.270.010 | Intent. |
| 43.270.020 | Grant program--Application--Activities funded. |
| 43.270.040 | Coordinated strategies. |
| 43.270.070 | Community suggestions. |
| 43.270.080 | Gifts, grants, and endowments. |
| 43.270.900 | Severability--1989 c 271. |

RCW 43.270.010 Intent.

The legislature recognizes that statewide efforts aimed at reducing the incidence of substance abuse, including alcohol, tobacco, or other drug abuse, or violence must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol, tobacco, other drug abuse, and violence is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens' groups.

The legislature intends to support the development and activities of community mobilization strategies against alcohol, tobacco, or other drug abuse, and violence, through the following efforts:

(1) Providing funding support for prevention, treatment, and enforcement activities identified by communities that have brought together education, treatment, local government, law enforcement, and other key elements of the community;

(2) Providing technical assistance and support to help communities develop and carry out effective activities; and

(3) Providing communities with opportunities to share suggestions for state program operations and budget priorities.

[2001 c 48 § 1; 1989 c 271 § 315.]

RCW 43.270.020 Grant program--Application--Activities funded.

(1) There is established in the department of community, trade, and economic development a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of alcohol, tobacco, or other drug abuse, or violence.

(2) The department of community, trade, and economic development shall make awards,

subject to funds appropriated by the legislature, under the following terms:

(a) Starting July 1, 2001, funds will be available to countywide programs through a formula developed by the department of community, trade, and economic development in consultation with program contractors, which will take into consideration county population size.

(b) In order to be eligible for consideration, applicants must demonstrate, at a minimum:

(i) That the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities;

(ii) That the community has considered research-based theory when developing its strategy;

(iii) That proposals submitted for funding are based on a local assessment of need and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against alcohol, tobacco, or other drug abuse, or violence;

(iv) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, education, or other community efforts provide direct, ongoing contact with substance abusers or those who exhibit violent behavior, or those at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

(v) Evidence of additional local resources committed to the applicant's strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities, or a combination thereof; and

(vi) That the funds applied for, if received, will not be used to replace funding for existing activities.

(c) At a minimum, grant applications must include the following:

(i) A definition of geographic area;

(ii) A needs assessment describing the extent and impact of alcohol, tobacco, or other drug abuse, and violence in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse or violent behavior;

(iii) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to alcohol, tobacco, or other drug abuse, or violence, with particular attention to those who are most severely impacted and/or those most at risk of alcohol, tobacco, or other drug abuse, or violent behavior;

(iv) An explanation of who was involved in development of the strategy and what specific commitments have been made to carry it out;

(v) Identification of existing prevention, education, treatment, and law enforcement resources committed by the applicant, including financial and other support, and an explanation of how the applicant's strategy involves and builds on the efforts of existing organizations or

coalitions that have been carrying out community efforts against alcohol, tobacco, or other drug abuse, or violence;

(vi) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(vii) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in (c)(vi) of this subsection;

(viii) Identification of activities that address specific objectives in the strategy for which funding is requested;

(ix) For each activity for which funding is requested, an explanation in sufficient detail to demonstrate:

(A) Feasibility through deliberative design, specific objectives, and a realistic plan for implementation;

(B) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(C) That funds requested are necessary and appropriate to effectively carry out the activity; and

(x) Identification of a contracting agent meeting state requirements for each activity proposed for funding.

Each contracting agent must execute a written agreement with its local community mobilization advisory board that reflects the duties and powers of each party.

(3) Activities that may be funded through this grant program include those that:

(a) Prevent alcohol, tobacco, or other drug abuse, or violence through educational efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(b) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing aftercare and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(c) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(d) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against alcohol, tobacco, or other drug abuse, or violence; and

(e) Other activities that demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against alcohol, tobacco, or other drug abuse, or violence.

[2001 c 48 § 2; 1989 c 271 § 316.]

RCW 43.270.040 Coordinated strategies.

This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complimentary strategies

within geographic areas such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of substance abuse, existing coalitions, or other entities important to the success of a community's strategy against substance abuse.

[1989 c 271 § 318.]

RCW 43.270.070 Community suggestions.

The department of community, trade, and economic development shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against alcohol, tobacco, or other drug abuse, or violence. The department of community, trade, and economic development shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

[2001 c 48 § 3; 1989 c 271 § 321.]

RCW 43.270.080 Gifts, grants, and endowments.

The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of RCW 43.270.010 through 43.270.080 and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

[2001 c 48 § 4; 1989 c 271 § 322.]

RCW 43.270.900 Severability--1989 c 271.

See note following RCW 9.94A.510.

Chapter 43.280 RCW

COMMUNITY TREATMENT SERVICES FOR VICTIMS OF SEX OFFENDERS

Sections

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| 43.280.010 | Intent. |
| 43.280.011 | Intent, approval of committee recommendations, distribution of services--1996 c 123. |
| 43.280.020 | Grant program--Funding. |
| 43.280.030 | Applications. |
| 43.280.040 | Organizations eligible. |
| 43.280.050 | Applications--Minimum requirements. |
| 43.280.060 | Awarding of grants--Peer review committee. |
| 43.280.070 | Gifts, grants, and endowments. |
| 43.280.080 | Office of crime victims advocacy. |
| 43.280.081 | Office of crime victims advocacy--Reports on penalty assessments collection and use of funds for assistance to victims and witnesses of crime. |
| 43.280.090 | Office of crime victims advocacy--Ad hoc advisory committees. |

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|------------|---|
| 43.280.900 | Index, part headings not law--1990 c 3. |
| 43.280.901 | Severability--1990 c 3. |
| 43.280.902 | Effective dates--Application--1990 c 3. |

RCW 43.280.010 Intent.

The legislature recognizes the need to increase the services available to the victims of sex offenders. The legislature also recognizes that these services are most effectively planned and provided at the local level through the combined efforts of concerned community and citizens groups, treatment providers, and local government officials. The legislature further recognizes that adequate treatment for victims is not only a matter of justice for the victim, but also a method by which additional abuse can be prevented.

The legislature intends to enhance the community-based treatment services available to the victims of sex offenders by:

(1) Providing consolidated funding support for local treatment programs which provide services to victims of sex offenders;

(2) Providing technical assistance and support to help communities plan for and provide treatment services;

(3) Providing sexual assault services with a victim-focused mission, and consistent standards, policies, and contracting and reporting requirements; and

(4) Providing communities and local treatment providers with opportunities to share information about successful prevention and treatment programs.

[1996 c 123 § 2; 1990 c 3 § 1201.]

Notes:

Effective date--1996 c 123: "This act shall take effect July 1, 1996." [1996 c 123 § 11.]

RCW 43.280.011 Intent, approval of committee recommendations, distribution of services--1996 c 123.

The Washington state sexual assault services advisory committee issued a report to the department of community, trade, and economic development and the department of social and health services in June of 1995. The committee made several recommendations to improve the delivery of services to victims of sexual abuse and assault: (1) Consolidate the administration and funding of sexual assault and abuse services in one agency instead of splitting those functions between the department of social and health services and the department of community, trade, and economic development; (2) adopt a funding allocation plan to pool all funds for sexual assault services and to distribute them across the state to ensure the delivery of core and specialized services; (3) establish service, data collection, and management standards and outcome measurements for recipients of grants; and (4) create a data collection system to gather pertinent data concerning the delivery of sexual assault services to victims.

The legislature approves the recommendations of the advisory committee and consolidates the functions and funding for sexual assault services in the department of

community, trade, and economic development to implement the advisory committee's recommendations.

The legislature does not intend to effect a reduction in service levels within available funding by transferring department of social and health services' powers and duties to the department of community, trade, and economic development. At a minimum, the department of community, trade, and economic development shall distribute the same percentage of the services it provides victims of sexual assault and abuse, pursuant to RCW 43.280.020, 70.125.080, and 74.14B.060, to children as were distributed to children through these programs in fiscal year 1996.

[1996 c 123 § 1.]

Notes:

Effective date--1996 c 123: See note following RCW 43.280.010.

RCW 43.280.020 Grant program--Funding.

There is established in the department of community, trade, and economic development a grant program to enhance the funding for treating the victims of sex offenders. Activities that can be funded through this grant program are limited to those that:

- (1) Provide effective treatment to victims of sex offenders;
- (2) Increase access to and availability of treatment for victims of sex offenders, particularly if from underserved populations; and
- (3) Create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts or other initiatives to make the most effective use of resources to provide treatment services to these victims.

Funding shall be given to those applicants that emphasize providing stable, victim-focused sexual abuse services and possess the qualifications to provide core services, as defined in RCW 70.125.030. Funds for specialized services, as defined in RCW 70.125.030, shall be disbursed through the request for proposal or request for qualifications process.

[1996 c 123 § 3; 1995 c 399 § 113; 1990 c 3 § 1203.]

Notes:

Effective date--1996 c 123: See note following RCW 43.280.010.

RCW 43.280.030 Applications.

Applications for funding under this chapter must:

- (1) Present evidence demonstrating how the criteria in RCW 43.280.010 will be met and demonstrating the effectiveness of the proposal.
- (2) Contain evidence of active participation of the community and its commitment to providing an effective treatment service for victims of sex offenders through the participation of local governments, tribal governments, human service and health organizations, and treatment entities and through meaningful involvement from others, including citizen groups.

[1990 c 3 § 1204.]

RCW 43.280.040 Organizations eligible.

Local governments, nonprofit community groups, and nonprofit treatment providers including organizations which provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants under the program established in RCW 43.280.020.

[1990 c 3 § 1205.]

RCW 43.280.050 Applications--Minimum requirements.

At a minimum, grant applications must include the following:

- (1) The geographic area from which the victims to be served are expected to come;
- (2) A description of the extent and effect of the needs of these victims within the relevant geographic area;
- (3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;
- (4) An explanation of what organizations were involved in the development of the proposal;
- (5) Documentation of capacity to provide core and specialized services, as defined in RCW 70.125.030, provided by the applicant, how the applicant intends to comply with service, data collection, and management standards established by the department; and
- (6) An evaluation methodology.

[1996 c 123 § 4; 1990 c 3 § 1206.]

Notes:

Effective date--1996 c 123: See note following RCW 43.280.010.

RCW 43.280.060 Awarding of grants--Peer review committee.

(1) Subject to funds appropriated by the legislature, the department of community, trade, and economic development shall make awards under the grant program established by RCW 43.280.020.

(2) To aid the department of community, trade, and economic development in making its funding determinations, the department shall form a peer review committee comprised of individuals who are knowledgeable or experienced in the management or delivery of treatment services to victims of sex offenders. The peer review committee shall advise the department on the extent to which each eligible applicant meets the treatment and management standards, as developed by the department. The department shall consider this advice in making awards.

(3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

[1996 c 123 § 5; 1995 c 399 § 114; 1990 c 3 § 1207.]

Notes:

Effective date--1996 c 123: See note following RCW 43.280.010.

RCW 43.280.070 Gifts, grants, and endowments.

The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

[1995 c 399 § 115; 1990 c 3 § 1208.]

RCW 43.280.080 Office of crime victims advocacy.

The office of crime victims advocacy is established in the department of community, trade, and economic development. The office shall assist communities in planning and implementing services for crime victims, advocate on behalf of crime victims in obtaining needed services and resources, and advise local and state governments on practices, policies, and priorities that impact crime victims. In addition, the office shall administer grant programs for sexual assault treatment and prevention services, as authorized in this chapter.

[1995 c 241 § 1.]

RCW 43.280.081 Office of crime victims advocacy--Reports on penalty assessments collection and use of funds for assistance to victims and witnesses of crime.

The office of crime victims advocacy shall report to the legislature on December 31, 1999, December 31, 2002, and December 31, 2005, regarding the collection of penalty assessments under chapter 122, Laws of 1996 and the use of collected funds to provide assistance to victims and witnesses of crime.

[1996 c 122 § 3.]

RCW 43.280.090 Office of crime victims advocacy--Ad hoc advisory committees.

The director of the department of community, trade, and economic development may establish ad hoc advisory committees, as necessary, to obtain advice and guidance regarding the office of crime victims advocacy program.

[1995 c 269 § 2102.]

NOTES:

Reviser's note: 1995 c 269 directed that this section be added to chapter 43.63A RCW. This section has been codified in chapter 43.280 RCW, which relates more directly to the office of crime victims advocacy.

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 43.280.900 Index, part headings not law--1990 c 3.

See RCW 18.155.900.

RCW 43.280.901 Severability--1990 c 3.

See RCW 18.155.901.

RCW 43.280.902 Effective dates--Application--1990 c 3.

See RCW 18.155.902.

**Chapter 43.290 RCW
OFFICE OF INTERNATIONAL RELATIONS AND PROTOCOL**

Sections

| | |
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| 43.290.005 | Finding--Purpose. |
| 43.290.010 | Office created. |
| 43.290.020 | Authority of office. |
| 43.290.900 | Effective date--1991 c 24. |

RCW 43.290.005 Finding--Purpose.

The legislature finds that it is in the public interest to create an office of international relations and protocol in order to: Make international relations and protocol a broad-based, focused, and functional part of state government; develop and promote state policies that increase international literacy and cross-cultural understanding among Washington state's citizens; expand Washington state's international cooperation role in such areas as the environment, education, science, culture, and sports; establish coordinated methods for responding to the increasing number of inquiries by foreign governments and institutions seeking cooperative activities within Washington state; provide leadership in state government on international relations and assistance to the legislature and state elected officials on international issues affecting the state; assist with multistate international efforts; and coordinate and improve communication and resource sharing among various state offices, agencies, and educational institutions with international programs.

It is the purpose of this chapter to bring these functions together in a new office under the office of the governor in order to establish a visible, coordinated, and comprehensive approach to international relations and protocol.

[1991 c 24 § 1.]

Notes:

Transfer of authority--1991 c 24: "All powers, duties, and functions of the office of international relations and protocol in the department of trade and economic development are transferred to the office of international relations and protocol under the office of the governor." [1991 c 24 § 8.]

RCW 43.290.010 Office created.

The office of international relations and protocol is created under the office of the governor. The office shall serve as the state's official liaison and protocol office with foreign governments. The governor shall appoint a director of the office of international relations and protocol, who shall serve at the pleasure of the governor. Because of the diplomatic character of this office, the director and staff will be exempt from the provisions of chapter 41.06 RCW. The director will be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The director may hire such personnel as may be necessary for the general administration of the office. To the extent permitted by law, state agencies may temporarily loan staff to the office of international relations and protocol to assist in carrying out the office's duties and responsibilities under this chapter. An arrangement to temporarily loan staff must have the approval of the staff members to be loaned and the directors of the office and the agencies involved in the loan.

[1991 c 24 § 2.]

RCW 43.290.020 Authority of office.

The office of international relations and protocol may:

(1) Create temporary advisory committees as necessary to deal with specific international issues. Advisory committee representation may include external organizations such as the Seattle consular corps, world affairs councils, public ports, world trade organizations, private nonprofit organizations dealing with international education or international environmental issues, organizations concerned with international understanding, businesses with experience in international relations, or other organizations deemed appropriate by the director.

(2) Accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this subsection. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

[1991 c 24 § 4.]

RCW 43.290.900 Effective date--1991 c 24.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

[1991 c 24 § 15.]

Chapter 43.300 RCW
DEPARTMENT OF FISH AND WILDLIFE

Sections

| | |
|------------|--|
| 43.300.005 | Purpose. |
| 43.300.010 | Department created--Transfer of powers, duties, and functions. |
| 43.300.020 | Definitions. |
| 43.300.040 | Director's duties. |
| 43.300.050 | Exempt positions. |
| 43.300.060 | Enforcement in accordance with RCW 43.05.100 and 43.05.110. |
| 43.300.070 | Exchange of tidelands with private or public landowners. |
| 43.300.080 | Cost-reimbursement agreements for complex projects. |
| 43.300.900 | Effective date--1993 sp.s. c 2 §§ 1-6, 8-59, and 61-79. |
| 43.300.901 | Severability--1993 sp.s. c 2. |

RCW 43.300.005 Purpose.

Perpetuation of fish and wildlife in Washington requires clear, efficient, streamlined, scientific, management from a single state fish and wildlife agency. Such a consolidation will focus existing funds for the greatest protection of species and stocks. It will bring combined resources to bear on securing, managing, and enhancing habitats. It will simplify licensing, amplify research, increase field staff, avoid duplication, and magnify enforcement of laws and rules. It will provide all fishers, hunters, and observers of fish and wildlife with a single source of consistent policies, procedures, and access.

[1993 sp.s. c 2 § 1.]

RCW 43.300.010 Department created--Transfer of powers, duties, and functions.

There is hereby created a department of state government to be known as the department of fish and wildlife. The department shall be vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law. All powers, duties, and functions of the department of fisheries and the department of wildlife are transferred to the department of fish and wildlife. All references in the Revised Code of Washington to the director or the department of fisheries or the director or department of wildlife shall be construed to mean the director or department of fish and wildlife.

[1993 sp.s. c 2 § 2.]

RCW 43.300.020 Definitions.

As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of fish and wildlife.
- (2) "Director" means the director of fish and wildlife.

(3) "Commission" means the fish and wildlife commission.

[1993 sp.s. c 2 § 3.]

RCW 43.300.040 Director's duties.

In addition to other powers and duties granted or transferred to the director, the commission may delegate to the director any of the powers and duties vested in the commission.

[1996 c 267 § 33; 1993 sp.s. c 2 § 5.]

Notes:

Intent--Effective date--1996 c 267: See notes following RCW 77.12.177.

RCW 43.300.050 Exempt positions.

The director shall appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW.

[1993 sp.s. c 2 § 6.]

RCW 43.300.060 Enforcement in accordance with RCW 43.05.100 and 43.05.110.

Enforcement action taken after July 23, 1995, by the director or the department shall be in accordance with RCW 43.05.100 and 43.05.110.

[1995 c 403 § 627.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.300.070 Exchange of tidelands with private or public landowners.

(1) The department of fish and wildlife may exchange the tidelands and shorelands it manages with private or public landowners if the exchange is in the public interest.

(2) As used in this section, an exchange of tidelands and shorelands is in the public interest if the exchange would provide significant fish and wildlife habitat or public access to the state's waterways.

[1997 c 209 § 3.]

Notes:

Finding--1997 c 209: "The legislature finds that the department of fish and wildlife manages a large amount of public land and that the department may have opportunities to improve the quality of its land holdings by participating in an exchange with private landowners or other public entities. The legislature declares that it is in the public interest to allow the department to exchange land with private landowners or with public entities if the exchange would provide significant fish and wildlife habitat or public access to the state's waterways." [1997 c 209 § 1.]

Effective date--1997 c 209: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 25, 1997]." [1997 c 209 § 4.]

RCW 43.300.080 Cost-reimbursement agreements for complex projects.

(1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

[2000 c 251 § 5.]

Notes:

Intent--Captions not law--Effective date--2000 c 251: See notes following RCW 43.21A.690.

RCW 43.300.900 Effective date--1993 sp.s. c 2 §§ 1-6, 8-59, and 61-79.

Sections 1 through 6, 8 through 59, and 61 through 79, chapter 2, Laws of 1993 sp. sess. shall take effect March 1, 1994.

[1994 c 6 § 4; 1993 sp.s. c 2 § 102.]

RCW 43.300.901 Severability--1993 sp.s. c 2.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 sp.s. c 2 § 106.]

**Chapter 43.310 RCW
YOUTH GANGS**

Sections

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|------------|--|
| 43.310.005 | Finding. |
| 43.310.007 | Intent--Prevention and intervention pilot programs. |
| 43.310.010 | Definitions. |
| 43.310.020 | Gang risk prevention and intervention pilot programs--Request for proposals. |
| 43.310.030 | Gang risk prevention and intervention pilot programs--Scope. |
| 43.310.040 | Cultural awareness retreats. |

RCW 43.310.005 Finding.

The legislature finds and declares that:

(1) The number of youth who are members and associates of gangs and commit gang violence has significantly increased throughout the entire greater Puget Sound, Spokane, and other areas of the state;

(2) Youth gang violence has caused a tremendous strain on the progress of the communities impacted. The loss of life, property, and positive opportunity for growth caused by youth gang violence has reached intolerable levels. Increased youth gang activity has seriously strained the budgets of many local jurisdictions, as well as threatened the ability of the educational system to educate our youth;

(3) Among youth gang members the high school drop-out rate is significantly higher than among nongang members. Since the economic future of our state depends on a highly educated and skilled work force, this high school drop-out rate threatens the economic welfare of our future work force, as well as the future economic growth of our state;

(4) The unemployment rate among youth gang members is higher than that among the general youth population. The unusual unemployment rate, lack of education and skills, and the increased criminal activity could significantly impact our future prison population;

(5) Most youth gangs are subcultural. This implies that gangs provide the nurturing, discipline, and guidance to gang youth and potential gang youth that is generally provided by communities and other social systems. The subcultural designation means that youth gang

participation and violence can be effectively reduced in Washington communities and schools through the involvement of community, educational, criminal justice, and employment systems working in a unified manner with parents and individuals who have a firsthand knowledge of youth gangs and at-risk youth; and

(6) A strong unified effort among parents and community, educational, criminal justice, and employment systems would facilitate: (a) The learning process; (b) the control and reduction of gang violence; (c) the prevention of youth joining negative gangs; and (d) the intervention into youth gangs.

[1993 c 497 § 1.]

RCW 43.310.007 Intent--Prevention and intervention pilot programs.

It is the intent of the legislature to cause the development of positive prevention and intervention pilot programs for elementary and secondary age youth through cooperation between individual schools, local organizations, and government. It is also the intent of the legislature that if the prevention and intervention pilot programs are determined to be effective in reducing problems associated with youth gang violence, that other counties in the state be eligible to receive special state funding to establish similar positive prevention and intervention programs.

[1993 c 497 § 2.]

RCW 43.310.010 Definitions.

Unless the context otherwise requires, the following definitions shall apply throughout RCW 43.310.005 through 43.310.040 and *sections 5 and 7 through 10, chapter 497, Laws of 1993:

(1) "School" means any public school within a school district any portion of which is in a county with a population of over one hundred ninety thousand.

(2) "Community organization" means any organization recognized by a city or county as such, as well as private, nonprofit organizations registered with the secretary of state.

(3) "Gang risk prevention and intervention pilot program" means a community-based positive prevention and intervention program for gang members, potential gang members, at-risk youth, and elementary through high school-aged youth directed at all of the following:

(a) Reducing the probability of youth involvement in gang activities and consequent violence.

(b) Establishing ties, at an early age, between youth and community organizations.

(c) Committing local business and community resources to positive programming for youth.

(d) Committing state resources to assist in creating the gang risk prevention and intervention pilot programs.

(4) "Cultural awareness retreat" means a program that temporarily relocates at-risk youth or gang members and their parents from their usual social environment to a different social

environment, with the specific purpose of having them performing activities which will enhance or increase their positive behavior and potential life successes.

[1993 c 497 § 3.]

Notes:

***Reviser's note:** Sections 5 and 7 through 10, chapter 497, Laws of 1993 were vetoed by the governor.

RCW 43.310.020 Gang risk prevention and intervention pilot programs--Request for proposals.

(1) The department of community, trade, and economic development may recommend existing programs or contract with either school districts or community organizations, or both, through a request for proposal process for the development, administration, and implementation in the county of community-based gang risk prevention and intervention pilot programs.

(2) Proposals by the school district for gang risk prevention and intervention pilot program grant funding shall begin with school years no sooner than the 1994-95 session, and last for a duration of two years.

(3) The school district or community organization proposal shall include:

(a) A description of the program goals, activities, and curriculum. The description of the program goals shall include a list of measurable objectives for the purpose of evaluation by the department of community, trade, and economic development. To the extent possible, proposals shall contain empirical data on current problems, such as drop-out rates and occurrences of violence on and off campus by school-age individuals.

(b) A description of the individual school or schools and the geographic area to be affected by the program.

(c) A demonstration of broad-based support for the program from business and community organizations.

(d) A clear description of the experience, expertise, and other qualifications of the community organizations to conduct an effective prevention and intervention program in cooperation with a school or a group of schools.

(e) A proposed budget for expenditure of the grant.

(4) Grants awarded under this section may not be used for the administrative costs of the school district or the individual school.

[1995 c 399 § 116; 1993 c 497 § 4.]

RCW 43.310.030 Gang risk prevention and intervention pilot programs--Scope.

Gang risk prevention and intervention pilot programs shall include, but are not limited to:

(1) Counseling for targeted at-risk students, parents, and families, individually and collectively.

(2) Exposure to positive sports and cultural activities, promoting affiliations between youth and the local community.

(3) Job training, which may include apprentice programs in coordination with local

businesses, job skills development at the school, or information about vocational opportunities in the community.

- (4) Positive interaction with local law enforcement personnel.
- (5) The use of local organizations to provide job search training skills.
- (6) Cultural awareness retreats.
- (7) The use of specified state resources, as requested.
- (8) Full service schools under *section 9 of this act.
- (9) Community service such as volunteerism and citizenship.

[1993 c 497 § 6.]

Notes:

***Reviser's note:** Section 9, chapter 497, Laws of 1993 was vetoed by the governor.

RCW 43.310.040 Cultural awareness retreats.

Cultural awareness retreats shall include but are not limited to the following programs:

- (1) To develop positive attitudes and self-esteem.
- (2) To develop youth decision-making ability.
- (3) To assist with career development and educational development.
- (4) To help develop respect for the community, and ethnic origin.

[1993 c 497 § 11.]

**Chapter 43.320 RCW
DEPARTMENT OF FINANCIAL INSTITUTIONS**

Sections

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| 43.320.005 | Finding. |
| 43.320.007 | Regulatory reform--Findings--Construction--1994 c 256. |
| 43.320.010 | Department created. |
| 43.320.011 | Department of general administration and department of licensing powers and duties transferred. |
| 43.320.012 | Department of general administration and department of licensing equipment, records, funds transferred. |
| 43.320.013 | Department of general administration and department of licensing civil service employees transferred. |
| 43.320.014 | Department of general administration or department of licensing rules, business, contracts, and obligations continued. |
| 43.320.015 | Department of general administration and department of licensing--Validity of acts. |
| 43.320.016 | Apportionment of budgeted funds. |
| 43.320.017 | Collective bargaining agreements. |
| 43.320.020 | Director--Salary--Powers and duties--Examiners, assistants, personnel. |
| 43.320.030 | Director--Qualifications--Conflicts of interest. |
| 43.320.040 | Director's authority to adopt rules. |
| 43.320.050 | Assistant directors--Divisions--"FDIC" defined. |
| 43.320.060 | Deputization of assistant to exercise powers and duties of director. |
| 43.320.070 | Oath of examiners--Liability for acts performed in good faith. |

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| 43.320.080 | Director to maintain office in Olympia--Record of receipts and disbursements--Deposit of funds. |
| 43.320.090 | Borrowing money by director, deputy, or employee--Penalty. |
| 43.320.100 | Annual report--Contents. |
| 43.320.110 | Financial services regulation fund. |
| 43.320.900 | Effective date--1993 c 472. |
| 43.320.901 | Implementation--1993 c 472. |

RCW 43.320.005 Finding.

The legislature finds that, given the overlap of powers and products in the companies regulated, the consolidation of the agencies regulating financial institutions and securities into one department will better serve the public interest through more effective use of staff expertise. Therefore, for the convenience of administration and the centralization of control and the more effective use of state resources and expertise, the state desires to combine the regulation of financial institutions and securities into one department.

[1993 c 472 § 1.]

RCW 43.320.007 Regulatory reform--Findings--Construction--1994 c 256.

(1) The legislature finds that the financial services industry is experiencing a period of rapid change with the development and delivery of new products and services and advances in technology.

(2) The legislature further finds it in the public interest to strengthen the regulation, supervision, and examination of business entities furnishing financial services to the people of this state and that this can be accomplished by streamlining and focusing regulation to reduce costs, increase effectiveness, and foster efficiency by eliminating requirements that are not necessary for the protection of the public.

(3) The provisions of chapter 256, Laws of 1994 should not be construed to limit the ability of the director of financial institutions to implement prudent regulation, prevent unsafe, unsound, and fraudulent practices, and undertake necessary enforcement actions to protect the public and promote the public interest.

[1994 c 256 § 1.]

RCW 43.320.010 Department created.

A state department of financial institutions, headed by the director of financial institutions, is created. The department shall be organized and operated in a manner that to the fullest extent permissible under applicable law protects the public interest, protects the safety and soundness of depository institutions and entities under the jurisdiction of the department, ensures access to the regulatory process for all concerned parties, and protects the interests of investors. The department of financial institutions shall be structured to reflect the unique differences in the types of institutions and areas it regulates.

[1993 c 472 § 2.]

RCW 43.320.011 Department of general administration and department of licensing powers and duties transferred.

(1) All powers, duties, and functions of the department of general administration under Titles 30, 31, 32, 33, and 43 RCW and any other title pertaining to duties relating to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, and other similar institutions are transferred to the department of financial institutions. All references to the director of general administration, supervisor of banking, or the supervisor of savings and loan associations in the Revised Code of Washington are construed to mean the director of the department of financial institutions when referring to the functions transferred in this section. All references to the department of general administration in the Revised Code of Washington are construed to mean the department of financial institutions when referring to the functions transferred in this subsection.

(2) All powers, duties, and functions of the department of licensing under chapters 18.44, 19.100, 19.110, 21.20, 21.30, and 48.18A RCW and any other statute pertaining to the regulation under the chapters listed in this subsection of escrow agents, securities, franchises, business opportunities, commodities, and any other speculative investments are transferred to the department of financial institutions. All references to the director or department of licensing in the Revised Code of Washington are construed to mean the director or department of financial institutions when referring to the functions transferred in this subsection.

[1995 c 238 § 6; 1993 c 472 § 6.]

Notes:

Effective date--1995 c 238: See note following RCW 18.44.011.

RCW 43.320.012 Department of general administration and department of licensing equipment, records, funds transferred.

All reports, documents, surveys, books, records, files, papers, or other written or electronically stored material in the possession of the department of general administration or the department of licensing and pertaining to the powers, functions, and duties transferred by RCW 43.320.011 shall be delivered to the custody of the department of financial institutions. All cabinets, furniture, office equipment, motor vehicles, and other tangible property purchased by the division of banking and the division of savings and loan in carrying out the powers, functions, and duties transferred by RCW 43.320.011 shall be transferred to the department of financial institutions. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of licensing in carrying out the powers, functions, and duties transferred by RCW 43.320.011 shall be made available to the department of financial institutions. All funds, credits, or other assets held by the department of general administration or the department of licensing in connection with the powers, functions, and duties transferred by RCW 43.320.011 shall be assigned to the department of financial institutions.

Any appropriations made to the department of general administration or the department

of licensing for carrying out the powers, functions, and duties transferred by RCW 43.320.011 shall, on October 1, 1993, be transferred and credited to the department of financial institutions.

If a dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

[1993 c 472 § 7.]

RCW 43.320.013 Department of general administration and department of licensing civil service employees transferred.

All employees classified under chapter 41.06 RCW, the state civil service law, who are employees of the department of general administration or the department of licensing engaged in performing the powers, functions, and duties transferred by RCW 43.320.011, except those under chapter 18.44 RCW, are transferred to the department of financial institutions. All such employees are assigned to the department of financial institutions to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

[1995 c 238 § 7; 1993 c 472 § 9.]

Notes:

Effective date--1995 c 238: See note following RCW 18.44.011.

RCW 43.320.014 Department of general administration or department of licensing rules, business, contracts, and obligations continued.

All rules and all pending business before the department of general administration or the department of licensing pertaining to the powers, functions, and duties transferred by RCW 43.320.011 shall be continued and acted upon by the department of financial institutions. All existing contracts and obligations shall remain in full force and shall be performed by the department of financial institutions.

[1993 c 472 § 10.]

RCW 43.320.015 Department of general administration and department of licensing--Validity of acts.

The transfer of the powers, duties, functions, and personnel of the department of general administration or the department of licensing under RCW 43.320.011 through 43.320.014 does not affect the validity of any act performed by such an employee before October 1, 1993.

[1993 c 472 § 11.]

RCW 43.320.016 Apportionment of budgeted funds.

If apportionments of budgeted funds are required because of the transfers directed by RCW 43.320.011 through 43.320.015, the director of financial management shall certify the apportionments to the agencies affected, to the state auditor, and to the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

[1993 c 472 § 12.]

RCW 43.320.017 Collective bargaining agreements.

Nothing contained in RCW 43.320.011 through 43.320.015 may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the expiration date of the current agreement or until the bargaining unit has been modified by action of the *personnel board as provided by law.

[1993 c 472 § 13.]

Notes:

***Reviser's note:** Powers, duties, and functions of the higher education personnel board and the state personnel board were transferred to the Washington personnel resources board by 1993 c 281, effective July 1, 1994.

RCW 43.320.020 Director--Salary--Powers and duties--Examiners, assistants, personnel.

The director of financial institutions shall be appointed by the governor and shall exercise all powers and perform all of the duties and functions transferred under RCW 43.320.011, and such other powers and duties as may be authorized by law. The director may deputize, appoint, and employ examiners and other such assistants and personnel as may be necessary to carry on the work of the department. The director of financial institutions shall receive a salary in an amount fixed by the governor.

[1993 c 472 § 3.]

RCW 43.320.030 Director--Qualifications--Conflicts of interest.

A person is not eligible for appointment as director of financial institutions unless he or she is, and for the last two years before his or her appointment has been, a citizen of the United States. A person is not eligible for appointment as director of financial institutions if he or she has an interest at the time of appointment, as a director, trustee, officer, or stockholder in any bank, savings bank, savings and loan association, credit union, consumer loan company, trust company, securities broker-dealer or investment advisor, or other institution regulated by the department.

[1993 c 472 § 4.]

RCW 43.320.040 Director's authority to adopt rules.

The director of financial institutions may adopt any rules, under chapter 34.05 RCW, necessary to implement the powers and duties of the director under this chapter.

[1993 c 472 § 5.]

RCW 43.320.050 Assistant directors--Divisions--"FDIC" defined.

The director of financial institutions may appoint assistant directors for each of the divisions of the department and delegate to them the power to perform any act or duty conferred upon the director. The director is responsible for the official acts of these assistant directors.

The department of financial institutions shall consist of at least the following four divisions: The division of FDIC insured institutions, with regulatory authority over all state-chartered FDIC insured institutions; the division of credit unions, with regulatory authority over all state-chartered credit unions; the division of consumer affairs, with regulatory authority over state-licensed nondepository lending institutions and other regulated entities; and the division of securities, with regulatory authority over securities, franchises, business opportunities, and commodities. The director of financial institutions is granted broad administrative authority to add additional responsibilities to these divisions as necessary and consistent with applicable law.

For purposes of this section, "FDIC" means the Federal Deposit Insurance Corporation.

[1993 c 472 § 8.]

RCW 43.320.060 Deputization of assistant to exercise powers and duties of director.

The director of financial institutions shall appoint, deputize, and employ examiners and such other assistants and personnel as may be necessary to carry on the work of the department of financial institutions.

In the event of the director's absence the director shall have the power to deputize one of the assistants of the director to exercise all the powers and perform all the duties prescribed by law with respect to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, securities, franchises, business opportunities, commodities, escrow agents, and other similar institutions or areas that are performed by the director so long as the director is absent: PROVIDED, That such deputized assistant shall not have the power to approve or disapprove new charters, licenses, branches, and satellite facilities, unless such action has received the prior written approval of the director. Any person so deputized shall possess the same qualifications as those set out in this section for the director.

[1995 c 238 § 8; 1993 c 472 § 20; 1977 ex.s. c 185 § 1; 1965 c 8 § 43.19.020. Prior: 1955 c 285 § 5; prior: (i) 1919 c 209 § 2; 1917 c 80 § 2; RRS § 3209. (ii) 1945 c 123 § 1; 1935 c 176 § 12; Rem. Supp. 1945 § 10786-11. Formerly RCW 43.19.020.]

Notes:

Effective date--1995 c 238: See note following RCW 18.44.011.

RCW 43.320.070 Oath of examiners--Liability for acts performed in good faith.

Before entering office each examiner shall take and subscribe an oath faithfully to discharge the duties of the office.

Oaths shall be filed with the secretary of state.

Neither the director of financial institutions, any deputized assistant of the director, nor any examiner or employee shall be personally liable for any act done in good faith in the performance of his or her duties.

[1993 c 472 § 21; 1977 ex.s. c 270 § 8; 1975 c 40 § 7; 1965 c 8 § 43.19.030. Prior: 1943 c 217 § 1; 1919 c 209 § 3; 1917 c 80 § 3; Rem. Supp. 1943 § 3210. Formerly RCW 43.19.030.]

Notes:

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

Powers and duties of director of general administration as to official bonds: RCW 43.19.540.

RCW 43.320.080 Director to maintain office in Olympia--Record of receipts and disbursements--Deposit of funds.

The director of financial institutions shall maintain an office at the state capitol, but may with the consent of the governor also maintain branch offices at other convenient business centers in this state. The director shall keep books of record of all moneys received or disbursed by the director into or from the financial services regulation fund, and any other accounts maintained by the department of financial institutions.

[2001 c 177 § 1; 1993 c 472 § 22; 1965 c 8 § 43.19.050. Prior: 1917 c 80 § 4; RRS § 3211. Formerly RCW 43.19.050.]

NOTES:

Effective date--2001 c 177: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001." [2001 c 177 § 16.]

RCW 43.320.090 Borrowing money by director, deputy, or employee--Penalty.

(1) It shall be unlawful for the director of financial institutions, any deputized assistant of the director, or any employee of the department of financial institutions to borrow money from any bank, consumer loan company, credit union, foreign bank branch, savings bank, savings and loan association, or trust company or department, securities broker-dealer or investment advisor, or similar lending institution under the department's direct jurisdiction unless the extension of credit:

(a) Is made on substantially the same terms (including interest rates and collateral) as, and following credit underwriting procedures that are not less stringent than, those prevailing at the time for comparable transactions by the financial institution with other persons that are not employed by either the department or the institution; and

(b) Does not involve more than the normal risk of repayment or present other unfavorable features.

(2) The director of the office of financial management shall adopt rules, policies, and procedures interpreting and implementing this section.

(3) Every person who knowingly violates this section shall forfeit his or her office or employment and be guilty of a gross misdemeanor.

[1993 c 472 § 23; 1965 c 8 § 43.19.080. Prior: 1917 c 80 § 11; RRS § 3218. Formerly RCW 43.19.080.]

RCW 43.320.100 Annual report--Contents.

The director of financial institutions shall file in his or her office all reports required to be made to the director, prepare and furnish to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, and trust companies and departments blank forms for such reports as are required of them, and each year make a report to the governor showing:

(1) A summary of the conditions of the banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, and trust companies and departments at the date of their last report; and

(2) A list of those organized or closed during the year.

The director may publish such other statements, reports, and pamphlets as he or she deems advisable.

[1993 c 472 § 24; 1977 c 75 § 43; 1965 c 8 § 43.19.090. Prior: 1917 c 80 § 13; RRS § 3220. Formerly RCW 43.19.090.]

RCW 43.320.110 Financial services regulation fund.

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the state general fund.

[2001 2nd sp.s. c 7 § 911; 2001 c 177 § 2; 1995 c 238 § 9; 1993 c 472 § 25; 1981 c 241 § 1. Formerly RCW 43.19.095.]

NOTES:

Severability--2001 2nd sp.s. c 7: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2001 2nd sp.s. c 7 § 923.]

Effective date--2001 2nd sp.s. c 7: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 26, 2001], except for section 911 of this act which takes effect July 1, 2001." [2001 2nd sp.s. c 7 § 924.]

Effective date--2001 c 177: See note following RCW 43.320.080.

Effective date--1995 c 238: See note following RCW 18.44.011.

Effective date--1981 c 241: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 241 § 4.]

RCW 43.320.900 Effective date--1993 c 472.

This act takes effect October 1, 1993.

[1993 c 472 § 31.]

RCW 43.320.901 Implementation--1993 c 472.

The directors of the department of general administration and the department of licensing shall take such steps as are necessary to ensure that this act is implemented on October 1, 1993.

[1993 c 472 § 32.]

Chapter 43.330 RCW

DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

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- 43.330.901 Captions.
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- 43.330.903 Severability--1993 c 280.
- 43.330.904 Transfer of certain state energy office powers, duties, and functions--References to director--Appointment of assistant director.

NOTES:

Community development, programs of former department of: Chapter 43.63A RCW.

Industrial projects of state-wide significance--Appointment of ombudsmen: RCW 43.157.030.

Trade and economic development, programs of former department of: Chapter 43.31 RCW.

RCW 43.330.005 Intent.

The legislature finds that the long-term economic health of the state and its citizens depends upon the strength and vitality of its communities and businesses. It is the intent of this chapter to create a merged department of community, trade, and economic development that fosters new partnerships for strong and sustainable communities. The consolidation of the department of trade and economic development and the department of community development into one department will: Streamline access to services by providing a simpler point of entry for state programs; provide focused and flexible responses to changing economic conditions;

generate greater local capacity to respond to both economic growth and environmental challenges; and increase accountability to the public, the executive branch, and the legislature.

A new department can bring together a focused effort to: Manage growth and achieve sustainable development; diversify the state's economy and export goods and services; provide greater access to economic opportunity; stimulate private sector investment and entrepreneurship; provide stable family-wage jobs and meet the diverse needs of families; provide affordable housing and housing services; construct public infrastructure; protect our cultural heritage; and promote the health and safety of the state's citizens.

The legislature further finds that as a result of the rapid pace of global social and economic change, the state and local communities will require coordinated and creative responses by every segment of the community. The state can play a role in assisting such local efforts by reorganizing state assistance efforts to promote such partnerships. The department has a primary responsibility to provide financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of communities and their residents. It is the intent of the legislature in this consolidation to maximize the use of local expertise and resources in the delivery of community and economic development services.

[1993 c 280 § 1.]

RCW 43.330.007 Management responsibility.

The purpose of this chapter is to establish the broad outline of the structure of the department of community, trade, and economic development, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the new department and is intended to provide flexibility to the director to reorganize these functions and to make recommendations for changes through the implementation plan required in section 8, chapter 280, Laws of 1993.

[1993 c 280 § 2.]

Notes:

Implementation plan--1994 c 5; 1993 c 280: "(1) The director of the department of trade and economic development and the director of the department of community development shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of trade and economic development and the department of community development into the department of community, trade, and economic development so that the department will operate as a single entity on March 1, 1994.

(2) The plan shall include, but is not limited to, the following elements:

(a) Strategies for combining the existing functions and responsibilities of both agencies into a coordinated and unified department including a strategic plan for each major program area that includes implementation steps, evaluation measures, and methods for collaboration among programs;

(b) Recommendations for any changes in existing programs and functions of both agencies, including new initiatives and possible transfer of programs and functions to and from other departments;

(c) Implementation steps necessary to bring about operation of the combined department as a single entity;

(d) Benchmarks by which to measure progress and to evaluate the performance and effectiveness of the

department's efforts; and

(e) Strategies for coordinating and maximizing federal, state, local, international, and private sector support for community and economic development efforts within the state.

(3) In developing this plan, the directors shall establish an advisory committee of representatives of groups using services and programs of both departments. The advisory committee shall include representatives of cities, counties, port districts, small and large businesses, labor unions, associate development organizations, low-income housing interests, housing industry, Indian tribes, community action programs, public safety groups, nonprofit community and development organizations, international trade organizations, minority and women business organizations, and any other organizations the directors determine should have input to the plan." [1994 c 5 § 1; 1993 c 280 § 8.]

RCW 43.330.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

[1993 c 280 § 3.]

RCW 43.330.020 Department created.

A department of community, trade, and economic development is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided in chapter 280, Laws of 1993, the existing responsibilities and functions of the agency programs will continue to be administered in accordance with their implementing legislation.

[1993 c 280 § 4.]

RCW 43.330.030 Director--Appointment--Salary.

The executive head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

[1993 c 280 § 5.]

RCW 43.330.040 Director powers and duties.

(1) The director shall supervise and administer the activities of the department and shall

advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

- (a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;
- (b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;
- (c) Accept and expend gifts and grants, whether such grants be of federal or other funds;
- (d) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;
- (e) Prepare and submit budgets for the department for executive and legislative action;
- (f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;
- (g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;
- (h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and
- (i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

[1993 c 280 § 6.]

RCW 43.330.050 Community and economic development responsibilities.

The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to manage growth; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; fostering the development of minority and women-owned businesses; facilitating technology development, transfer, and diffusion; community services and advocacy for low-income persons; and public safety efforts. The department shall have the following general functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;

(3) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature;

(5) Cooperate with and provide technical and financial assistance to local governments, businesses, and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give additional consideration to local communities and individuals with the greatest relative need and the fewest resources;

(6) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states and provinces or their subdivisions;

(7) Hold public hearings and meetings to carry out the purposes of this chapter;

(8) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market, demographic, and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic and social problems in the state; and

(9) Develop a schedule of fees for services where appropriate.

[1993 c 280 § 7.]

RCW 43.330.060 Trade and business responsibilities.

(1) The department shall assist in expanding the state's role as an international center of trade, culture, and finance. The department shall promote and market the state's products and services internationally in close cooperation with other private and public international trade efforts and act as a centralized location for the assimilation and distribution of trade information.

(2) The department shall identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports of goods and services.

(3) The department shall work generally with small businesses and other employers to facilitate resolution of siting, regulatory, expansion, and retention problems. This assistance shall include but not be limited to assisting in work force training and infrastructure needs, identifying and locating suitable business sites, and resolving problems with government licensing and regulatory requirements. The department shall identify gaps in needed services and develop steps to address them including private sector support and purchase of these services.

(4) The department shall work to increase the availability of capital to small businesses by developing new and flexible investment tools and by assisting in targeting and improving the efficiency of existing investment mechanisms.

(5) The department shall assist women and minority-owned businesses in overcoming barriers to increased investment and employment and becoming full participants in Washington's traded sector economy.

[1993 c 280 § 9.]

Notes:

Tacoma world trade center--1993 c 134: "The legislature recognizes that export opportunities for small and medium-sized businesses stimulates economic growth. Within current resources, the department of trade and economic development shall work with the Tacoma world trade center, to assist small and medium-sized businesses with export opportunities." [1993 c 134 § 1.]

RCW 43.330.065 Identification of countries of strategic importance for international trade relations.

The department of community, trade, and economic development, in consultation with the office of protocol, the office of the secretary of state, the department of agriculture, and the employment security department shall identify up to fifteen countries that are of strategic importance to the development of Washington's international trade relations.

[1996 c 253 § 303.]

NOTES:

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 28B.109.010.

RCW 43.330.070 Local development capacity--Training and technical assistance.

(1) The department shall work closely with local communities to increase their capacity to respond to economic, environmental, and social problems and challenges. The department shall coordinate the delivery of development services and technical assistance to local

communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth and opportunity in communities throughout the state. The department shall promote appropriate local development by: Supporting the ability of communities to develop and implement strategic development plans; assisting businesses to start up, maintain, or expand their operations; encouraging public infrastructure investment and private and public capital investment in local communities; supporting efforts to manage growth and provide affordable housing and housing services; providing for the identification and preservation of the state's historical and cultural resources; and expanding employment opportunities.

(2) The department shall define a set of services including training and technical assistance that it will make available to local communities, community-based nonprofit organizations, regional areas, or businesses. The department shall simplify access to these programs by providing more centralized and user-friendly information and referral. The department shall coordinate community and economic development efforts to minimize program redundancy and maximize accessibility. The department shall develop a set of criteria for targeting services to local communities.

(3) The department shall develop a coordinated and systematic approach to providing training to community-based nonprofit organizations, local communities, and businesses. The approach shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens, nonprofit organizations, and businesses. The department shall emphasize providing training in those communities most in need of state assistance.

[1993 c 280 § 10.]

RCW 43.330.075 Local government regulation and policy handouts--Technical assistance.

The department shall provide technical assistance in the compilation of and support in the production of the handouts to be published and kept current by counties and cities under RCW 36.70B.220.

[1996 c 206 § 11.]

Notes:

Findings--1996 c 206: See note following RCW 43.05.030.

RCW 43.330.080 Coordination of community and economic development services--Contracts with associate development organizations--Targeted sectors.

(1) The department shall contract with associate development organizations or other local organizations to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community

development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, private industry councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The department shall be responsible for determining the scope of services delivered under these contracts.

(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.

(3) The department shall consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of service delivery regions throughout the state. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively.

(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region.

(5) The contracting organization shall participate with the work force training and education coordinating board as created in chapter 28C.18 RCW, and any regional entities designated by that board, in providing for the coordination of job skills training within its region.

[1997 c 60 § 1; 1993 c 280 § 11.]

RCW 43.330.090 Economic diversification strategies--Tourism expansion--Targeted sectors.

(1) The department shall work with private sector organizations, local governments, local economic development organizations, and higher education and training institutions to assist in the development of strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production by focusing on targeted sectors. The targeted

sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sector's approach to economic development and including additional sectors in its efforts. The department shall use information gathered in each service delivery region in formulating its sectoral strategies and in designating new targeted sectors.

(2) The department shall ensure that the state continues to pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. The department shall work to provide a balance of tourism activities throughout the state and during different seasons of the year. In addition, the department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(3) In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;

(b) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;

(c) Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;

(d) Helping establish research consortia;

(e) Facilitating joint training and education programs;

(f) Promoting cooperative market development activities;

(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and

(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity.

[1998 c 245 § 85; 1994 c 144 § 1; 1993 c 280 § 12.]

Notes:

Effective date--1994 c 144: "This act shall take effect July 1, 1994." [1994 c 144 § 3.]

RCW 43.330.092 Film and video promotion account--Promotion of film and video production industry.

The film and video promotion account is created in the state treasury. All receipts from RCW 36.102.060(14) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of community, trade, and economic development only for the purposes of promotion of the film and

video production industry in the state of Washington.

[1997 c 220 § 222 (Referendum Bill No. 48, approved June 17, 1997).]

Notes:

Referendum--Other legislation limited--Legislators' personal intent not indicated--Reimbursements for election--Voters' pamphlet, election requirements--1997 c 220: See RCW 36.102.800 through 36.102.803.

Part headings not law--Severability--1997 c 220: See RCW 36.102.900 and 36.102.901.

RCW 43.330.094 Tourism development and promotion account--Promotion of tourism industry.

The tourism development and promotion account is created in the state treasury. All receipts from RCW 36.102.060(10) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of community, trade, and economic development only for the purposes of promotion of the tourism industry in the state of Washington.

[1997 c 220 § 223 (Referendum Bill No. 48, approved June 17, 1997).]

Notes:

Referendum--Other legislation limited--Legislators' personal intent not indicated--Reimbursements for election--Voters' pamphlet, election requirements--1997 c 220: See RCW 36.102.800 through 36.102.803.

Part headings not law--Severability--1997 c 220: See RCW 36.102.900 and 36.102.901.

RCW 43.330.095 Tourism development advisory committee. (*Expires June 30, 2008.*)

(1) The tourism development advisory committee is created within the department. The committee shall have a total of fifteen members. There shall be one member from each of the two largest political caucuses in the house of representatives and senate appointed by the speaker of the house of representatives and the president of the senate, respectively. The remaining eleven members shall be appointed by the director and shall represent the travel industry. When making appointments, the director shall ensure to the greatest extent possible that the industry representatives include all sectors of the travel industry in Washington state and are diverse with respect to region of the state, gender, and ethnicity.

(2) The tourism development advisory committee shall meet at such times designated by the director but not less than twice per calendar year. The committee shall review and comment on the tourism development plan presented by the department and advise the director concerning tourism activities the department should undertake.

(3) This section expires June 30, 2008.

[1998 c 299 § 2.]

Notes:

Intent--Effective date--1998 c 299: See notes following RCW 43.88.093.

RCW 43.330.096 Tourism development program--Report to the legislature. (*Expires June 30, 2008.*)

(1) On or before June 30th of each fiscal year, the department shall submit a report to the appropriate policy and fiscal committees of the house of representatives and senate that describes the tourism development program for the previous fiscal year and quantifies the financial benefits to the state. The report must contain information concerning targeted markets, benefits to different areas of the state, return on the state's investment, and other relevant information related to tourism development.

(2) This section expires June 30, 2008.

[1998 c 299 § 5.]

Notes:

Intent--Effective date--1998 c 299: See notes following RCW 43.88.093.

RCW 43.330.100 Local infrastructure and public facilities--Grants and loans.

(1) The department shall support the development and maintenance of local infrastructure and public facilities and provide local communities with flexible sources of funding. The department shall coordinate grant and loan programs that provide infrastructure and investment in local communities. This shall include coordinating funding for eligible projects with other federal, state, local, private, and nonprofit funding sources.

(2) At a minimum, the department shall provide coordinated procedures for applying for and tracking grants and loans among and between the community economic revitalization board, the public works trust fund, and community development block grants.

[1993 c 280 § 13.]

RCW 43.330.110 Housing--Energy assistance.

(1) The department shall maintain an active effort to help communities, families, and individuals build and maintain capacity to meet housing needs in Washington state. The department shall facilitate partnerships among the many entities related to housing issues and leverage a variety of resources and services to produce comprehensive, cost-effective, and innovative housing solutions.

(2) The department shall assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for very low, low, and moderate-income persons; operate programs to assist home ownership, offer housing services, and provide emergency, transitional, and special needs housing services; and qualify as a participating state agency for all programs of the federal department of housing and urban development or its successor. The department shall develop or assist local governments in developing housing plans required by the state or federal government.

(3) The department shall coordinate and administer energy assistance and residential energy conservation and rehabilitation programs of the federal and state government through nonprofit organizations, local governments, and housing authorities.

[1993 c 280 § 14.]

RCW 43.330.120 Growth management.

(1) The department shall serve as the central coordinator for state government in the implementation of the growth management act, chapter 36.70A RCW. The department shall work closely with all Washington communities planning for future growth and responding to the pressures of urban sprawl. The department shall ensure coordinated implementation of the growth management act by state agencies.

(2) The department shall offer technical and financial assistance to cities and counties planning under the growth management act. The department shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.

(3) The department shall provide alternative dispute resolution to jurisdictions and organizations to mediate disputes and to facilitate consistent implementation of the growth management act. The department shall review local governments compliance with the requirements of the growth management act and make recommendations to the governor.

[1993 c 280 § 15.]

RCW 43.330.125 Assistance to counties and cities.

The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.70B RCW.

[1995 c 347 § 430.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.330.130 Services to poor and disadvantaged persons--Preschool children--Substance abuse--Family services--Fire protection and emergency management.

(1) The department shall coordinate services to communities that are directed to the poor and disadvantaged through private and public nonprofit organizations and units of general purpose local governments. The department shall coordinate these programs using, to the extent possible, integrated case management methods, with other community and economic development efforts that promote self-sufficiency.

(2) These services may include, but not be limited to, comprehensive education services to preschool children from low-income families, providing for human service needs and advocacy, promoting volunteerism and citizen service as a means for accomplishing local community and economic development goals, coordinating and providing emergency food assistance to distribution centers and needy individuals, and providing for human service needs through community-based organizations.

(3) The department shall provide local communities and at-risk individuals with programs that provide community protection and assist in developing strategies to reduce substance abuse. The department shall administer programs that develop collaborative approaches to prevention, intervention, and interdiction programs. The department shall administer programs that support crime victims, address youth and domestic violence problems, provide indigent defense for low-income persons, border town disputes, and administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

(4) The department shall provide fire protection and emergency management services to support and strengthen local capacity for controlling risk to life, property, and community vitality that may result from fires, emergencies, and disasters.

[1993 c 280 § 16.]

RCW 43.330.135 Court-appointed special advocate programs--Funds--Eligibility.

(1) The department of community, trade, and economic development shall distribute such funds as are appropriated for the state-wide technical support, development, and enhancement of court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing state-wide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

(a) The organization must provide state-wide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;

(b) All guardians ad litem working under court-appointed special advocate programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and

(c) The organization providing state-wide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in RCW 24.03.490.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for allocation of appropriated money among the eligible organizations.

[1995 c 13 § 1.]

RCW 43.330.145 Entrepreneurial assistance--Recipients of temporary assistance for needy families--Cooperation with agencies for training and industrial recruitment.

(1) The department shall ensure that none of its rules or practices act to exclude recipients of temporary assistance for needy families from any small business loan opportunities or entrepreneurial assistance it makes available through its community development block grant

program or otherwise provides using state or federal resources. The department shall encourage local administrators of microlending programs using public funds to conduct outreach activities to encourage recipients of temporary assistance for needy families to explore self-employment as an option. The department shall compile information on private and public sources of entrepreneurial assistance and loans for start-up businesses and provide the department of social and health services with the information for dissemination to recipients of temporary assistance for needy families.

(2) The department shall, as part of its industrial recruitment efforts, work with the work force training and education coordinating board to identify the skill sets needed by companies locating in the state. The department shall provide the department of social and health services with the information about the companies' needs in order that recipients of public assistance and service providers assisting such recipients through training and placement programs may be informed and respond accordingly. The department shall work with the state board for community and technical colleges, the job skills program, the employment security department, and other employment and training programs to facilitate the inclusion of recipients of temporary assistance for needy families in relevant training that would make them good employees for recruited firms.

(3) The department shall perform the duties under this section within available funds.

[1997 c 58 § 323.]

Notes:

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 43.330.150 Fees--Conferences, workshops, training.

The department is authorized to charge reasonable fees to cover costs for conferences, workshops, and training purposes and to expend those fees for the purposes for which they were collected.

[1994 c 284 § 1.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 43.330.152 Fees--Service and product delivery areas.

In order to extend its services and programs, the department may charge reasonable fees for services and products provided in the areas of financial assistance, housing, international trade, community assistance, economic development, and other service delivery areas, except as otherwise provided. These fees are not intended to exceed the costs of providing the service or preparing and distributing the product.

[1994 c 284 § 2.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 43.330.155 Community and economic development fee account.

The community and economic development fee account is created in the state treasury. The department may create subaccounts as necessary. The account consists of all receipts from fees charged by the department under RCW 43.330.150, 43.330.152, and *43.210.110. Expenditures from the account may be used only for the purposes of this chapter. Only the director or the director's designee may authorize expenditures from the account. Expenditures from the account may be spent only after appropriation.

[1994 c 284 § 4.]

Notes:

***Reviser's note:** RCW 43.210.110 was repealed by 1991 c 314 § 18, effective June 30, 1997.

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 43.330.156 Fees--Adoption by rule.

The fees authorized under RCW 43.330.150, 43.330.152, *70.95H.040, and **43.210.110 shall be adopted by rule pursuant to chapter 34.05 RCW.

[1994 c 284 § 8.]

Notes:

Reviser's note: *(1) The governor vetoed 1994 c 284 § 5, the amendment to RCW 70.95H.040 that provided for fees.

** (2) RCW 43.210.110 was repealed by 1991 c 314 § 18, effective June 30, 1997.

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 43.330.165 Housing for farmworkers--Proposal review and funding recommendations--Farmworker housing advisory group.

(1) The department shall work with the advisory group established in subsection (2) of this section to review proposals and make prioritized funding recommendations to the department or funding approval board that oversees the distribution of housing trust fund grants and loans to be used for the development, maintenance, and operation of housing for low-income farmworkers.

(2) A farmworker housing advisory group representing growers, farmworkers, and other interested parties shall be formed to assist the department in the review and priority funding recommendations under this section.

[1998 c 37 § 8.]

RCW 43.330.180 Grant program for business recruitment efforts.

(1) There is established in the department a grant program to support business

recruitment efforts. The purpose of the program is to assist local associate development organizations in business recruitment efforts by providing grants to assist in marketing the area to businesses on a national and international basis.

(2) Applications for funding under this section must:

(a) Be submitted by either a local associate development organization or a consortium of associate development organizations;

(b) Contain evidence of active participation in the development of the business recruitment effort between local governments, the community, and other local development organizations that serve the region;

(c) Contain a description of the proposed project and how it will assist the region in its business recruitment efforts; and

(d) Contain other information the director deems necessary.

(3) In making grants under this section, the department shall give preference to applications based on the following criteria:

(a) The degree of leverage of other funds, including in-kind match, committed to the project;

(b) The degree of community support for the proposed project; and

(c) The degree the proposed project is coordinated with existing state or local business recruitment efforts.

(4) The funding of an activity under this section is not an obligation of the state of Washington to provide ongoing funding in future years.

(5) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purpose of this section is satisfied.

[1999 c 108 § 2.]

RCW 43.330.190 Reimbursement of extraordinary criminal justice costs.

Counties may submit a petition for relief to the office of public defense for reimbursement of extraordinary criminal justice costs. Extraordinary criminal justice costs are defined as those associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.

(1) The office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop procedures for processing the petitions, for auditing the veracity of the petitions, and for prioritizing the petitions. Prioritization of the petitions shall be based on, but not limited to, such factors as disproportionate fiscal impact relative to the county budget, efficient use of resources, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.

(2) Before January 1st of each year, the office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and

police chiefs, shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature.

[1999 c 303 § 1.]

RCW 43.330.195 Developmental disabilities endowment--Definitions.

The definitions in this section apply throughout RCW 43.330.200 through 43.330.230.

(1) "Developmental disability" has the meaning in RCW 71A.10.020(3).

(2) "Developmental disabilities endowment trust fund" means the fund established in the custody of the state treasurer in RCW 43.330.200, comprised of private, public, or private and public sources, to finance services for persons with developmental disabilities. All moneys in the fund, all property and rights purchased from the fund, and all income attributable to the fund, shall be held in trust by the state investment board, as provided in RCW 43.33A.030, for the exclusive benefit of fund beneficiaries. The principal and interest of the endowment fund must be maintained until such time as the governing board policy specifies except for the costs and expenses of the state treasurer and the state investment board otherwise provided for in chapter 120, Laws of 2000.

(3) "Governing board" means the developmental disabilities endowment governing board in RCW 43.330.205.

(4) "Individual trust account" means (4) accounts established within the endowment trust fund for each individual named beneficiary for the benefit of whom contributions have been made to the fund. The money in each of the individual accounts is held in trust as provided for in subsection (2) of this section, and shall not be considered state funds or revenues of the state. The governing board serves as administrator, manager, and recordkeeper for the individual trust accounts for the benefit of the individual beneficiaries. The policies governing the disbursements, and the qualifying services for the trust accounts, shall be established by the governing board. Individual trust accounts are separate accounts within the developmental disabilities endowment trust fund, and are invested for the beneficiaries through the endowment trust fund.

[2000 c 120 § 2.]

RCW 43.330.200 Developmental disabilities endowment--Trust fund.

(1) The developmental disabilities endowment trust fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of the developmental disabilities endowment established under this chapter, except for expenses of the state investment board and the state treasurer as specified in subsection (2) of this section. Only the developmental disabilities endowment governing board or the board's designee may authorize expenditures from the fund. The fund shall retain its interest earnings in accordance with RCW 43.79A.040.

(2) The developmental disabilities endowment governing board shall deposit in the fund

all money received for the program, including state appropriations and private contributions. With the exception of investment and operating costs associated with the investment of money by the investment board paid under RCW 43.33A.160 and 43.84.160 and the expenses and operating costs of the state treasurer paid under RCW 43.08.190 and 43.79A.040, the fund shall be credited with all investment income earned by the fund. Disbursements from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department or the governing board is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

[2000 c 120 § 3; 1999 c 384 § 2.]

Notes:

Intent--1999 c 384: "The legislature recognizes that the main and most enduring support for persons with developmental disabilities, along with public resources, is their immediate and extended families. The legislature recognizes that these families are searching for ways to provide for the long-term continuing care of their disabled family member when the family can no longer provide that care. It is the intent of the legislature to encourage and assist families to engage in long-range financial planning and to contribute to the lifetime care of their disabled family member. To further these objectives, this chapter is enacted to finance lifetime services and supports for persons with developmental disabilities through an endowment funded jointly by the investment of public funds and dedicated family contributions.

The establishment of this endowment is not intended to diminish the state's responsibility for funding services currently available to future endowment participants, subject to available funding, nor is it the intent of the legislature, by the creation of this public/private endowment, to impose additional, unintended financial liabilities on the public." [2000 c 120 § 1; 1999 c 384 § 1.]

Captions not law--1999 c 384: "Captions used in this chapter are not any part of the law." [1999 c 384 § 9.]

RCW 43.330.205 Developmental disabilities endowment--Authority of state investment board--Authority of governing board.

(1) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the developmental disabilities endowment trust fund. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the fund.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the investment board, money in the fund may be commingled for investment with other funds subject to investment by the board.

(4) The authority to establish all policies relating to the fund, other than the investment policies as set forth in subsections (1) through (3) of this section, resides with the governing board acting in accordance with the principles set forth in RCW 43.330.220. With the exception of expenses of the state treasurer in RCW 43.330.200 and the investment board set forth in

subsection (1) of this section, disbursements from the fund shall be made only on the authorization of the governing board or the board's designee, and money in the fund may be spent only for the purposes of the developmental disabilities endowment program as specified in this chapter.

(5) The investment board shall routinely consult and communicate with the governing board on the investment policy, earnings of the trust, and related needs of the program.

[2000 c 120 § 4.]

RCW 43.330.210 Developmental disabilities endowment--Governing board--Liability of governing board and state investment board.

The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the director of the department of community, trade, and economic development shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(5) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the endowment trust fund or the individual trust accounts. Neither of these two boards or their members shall be liable for the action or inactions [inaction] of the other.

(6) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board, respectively, may purchase liability insurance for members.

[2000 c 120 § 5; 1999 c 384 § 4.]

Notes:

Intent--Captions not law--1999 c 384: See notes following RCW 43.330.200.

RCW 43.330.220 Developmental disabilities endowment--Endowment principles.

The design, implementation, and administration of the developmental disabilities endowment shall be governed by the following principles:

(1) The design and operation of the endowment should reward families who set aside resources for their child's future care and provide incentives for continued caregiving by the family.

(2) The endowment should encourage financial planning and reward caregiving by a broad range of families, not just those who have substantial financial resources.

(3) Families should not feel compelled to contribute to the endowment in order to meet the needs of continuing care for their child.

(4) All families should have equal access to developmental disabilities services not funded through the endowment regardless of whether they contribute to the endowment.

(5) Services funded through the endowment should be stable, ongoing, of reasonable quality, and respectful of individual and family preferences.

(6) Endowment resources should be expended economically in order to benefit as many families as possible.

(7) Endowment resources should be managed prudently so that families can be confident that their agreement with the endowment on behalf of their child will be honored.

(8) The private financial contribution on behalf of each person receiving services from the endowment shall be at least equal to the state's contribution to the endowment.

(9) In order to be matched with funding from the state's contribution to the endowment, the private contribution on behalf of a beneficiary must be sufficient to support the beneficiary's approved service plan for a significant portion of the beneficiary's anticipated remaining lifetime.

(10) The rate that state appropriations to the endowment are used to match private contributions shall be such that each legislative appropriation to the developmental disabilities endowment trust fund, including principal and investment income, is not depleted in a period of less than five years.

(11) Private contributions made on behalf of a particular individual, and the associated state match, shall only be used for services provided upon that person's behalf.

(12) State funds contributed to the developmental disabilities endowment trust fund are to support the individual trust accounts established by individual private contributions made by families or other interested persons for named individual beneficiaries.

(13) The governing board shall explore methods to solicit private donations. The governing board shall explore mechanisms to support individuals with developmental disabilities who do not have individual private contributions made on their behalf. The governing board shall establish policies for the use of any private donations.

(14) Types of services funded by money managed through the developmental disabilities endowment trust fund shall be approved by the governing board or its designee.

[2000 c 120 § 6; 1999 c 384 § 5.]

Notes:

Intent--Captions not law--1999 c 384: See notes following RCW 43.330.200.

RCW 43.330.225 Developmental disabilities endowment--Development of operating plan--Elements.

To the extent funds are appropriated for this purpose, the governing board shall contract with an appropriate organization for the development of a proposed operating plan for the developmental disabilities endowment program. The proposed operating plan shall be consistent with the endowment principles specified in RCW 43.330.220. The plan shall address at least the following elements:

(1) The recommended types of services to be available through the endowment program and their projected average costs per beneficiary;

(2) An assessment of the number of people likely to apply for participation in the endowment under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(3) An actuarial analysis of the number of disabled beneficiaries who are likely to be supported under alternative levels of public contribution to the endowment, and the length of time the beneficiaries are likely to be served, under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(4) Recommended eligibility criteria for participation in the endowment program;

(5) Recommended policies regarding withdrawal of private contributions from the endowment in cases of movement out of state, death of the beneficiary, or other circumstances;

(6) Recommended matching rate of public and private contributions and, for each beneficiary, the maximum annual and lifetime amount of private contributions eligible for public matching funds;

(7) The recommended minimum years of service on behalf of a beneficiary that must be supported by private contributions in order for the contributions to qualify for public matching funds from the endowment;

(8) The recommended schedule according to which lump sum or periodic private contributions should be made to the endowment in order to qualify for public matching funds;

(9) A recommended program for educating families about the endowment, and about planning for their child's long-term future; and

(10) Recommended criteria and procedure for selecting an organization or organizations to administer the developmental disabilities endowment program, and projected administrative costs.

[2000 c 120 § 7.]

RCW 43.330.230 Developmental disabilities endowment--Program implementation and administration.

Based on the proposed operating plan under RCW 43.330.225, and to the extent funds are appropriated for this purpose, the developmental disabilities endowment governing board shall implement and administer, or contract for the administration of, the developmental disabilities endowment program under the principles specified in RCW 43.330.220. By December 1, 2000, and prior to implementation, the final program design shall be submitted to the appropriate committees of the legislature.

The secretary of the department of social and health services shall seek to maximize federal reimbursement and matching funds for expenditures made under the endowment program, and shall seek waivers from federal requirements as necessary for the receipt of federal funds.

The governing board may receive gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the endowment program and may expend the gifts, grants, and endowments according to their terms.

[2000 c 120 § 8; 1999 c 384 § 7.]

Notes:

Intent--Captions not law--1999 c 384: See notes following RCW 43.330.200.

RCW 43.330.240 Developmental disabilities endowment--Rules.

The department of community, trade, and economic development shall adopt rules for the implementation of policies established by the governing board in RCW 43.330.200 through 43.330.230. Such rules will be consistent with those statutes and chapter 34.05 RCW.

[2000 c 120 § 9.]

RCW 43.330.900 References to director and department.

(1) All references to the director or department of community development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.

(2) All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.

[1993 c 280 § 79.]

RCW 43.330.901 Captions.

Captions used in this chapter do not constitute part of the law.

[1993 c 280 § 83.]

RCW 43.330.902 Effective date--1993 c 280.

Sections 1 through 7, 9 through 79, 82, and 83 of this act shall take effect March 1, 1994.

[1994 c 5 § 2; 1993 c 280 § 86.]

RCW 43.330.9021 Effective date--1994 c 5.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect March 1, 1994.

[1994 c 5 § 3.]

RCW 43.330.903 Severability--1993 c 280.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 c 280 § 87.]

RCW 43.330.904 Transfer of certain state energy office powers, duties, and functions--References to director--Appointment of assistant director.

(1) All powers, duties, and functions of the state energy office relating to energy resource policy and planning and energy facility siting are transferred to the department of community, trade, and economic development. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the director or the department of community, trade, and economic development when referring to the functions transferred in this section.

The director shall appoint an assistant director for energy policy, and energy policy staff shall have no additional responsibilities beyond activities concerning energy policy.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of community, trade, and economic development. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of community, trade, and economic development.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to the

department of community, trade, and economic development.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, software, data base, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state energy office engaged in performing the powers, functions, and duties pertaining to the energy facility site evaluation council are transferred to the jurisdiction of the department of community, trade, and economic development. All employees engaged in energy facility site evaluation council duties classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community, trade, and economic development to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of community, trade, and economic development. All existing contracts and obligations shall remain in full force and shall be performed by the department of community, trade, and economic development.

(5) The transfer of the powers, duties, and functions of the state energy office does not affect the validity of any act performed before July 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of the office of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation.

(7) The department of community, trade, and economic development shall direct the closure of the financial records of the state energy office.

(8) Responsibility for implementing energy education, applied research, and technology transfer programs rests with Washington State University. The department of community, trade, and economic development shall provide Washington State University available existing and future oil overcharge restitution and federal energy block funding for a minimum period of five years to carry out energy programs under an interagency agreement with the department of community, trade, and economic development. The interagency agreement shall also outline the working relationship between the department of community, trade, and economic development and Washington State University as it pertains to the relationship between energy policy development and public outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington State University from seeking grant, contract, or fee-for-service funding for energy or related programs directly from other entities.

[1996 c 186 § 101.]

Notes:

Findings--Intent--1996 c 186: "The legislature finds responsibilities of state government need to be

limited to core services in support of public safety and welfare. Services provided by the Washington state energy office are primarily advisory and can be eliminated. The legislature further finds a need to redefine the state's role in energy-related regulatory functions. The state may be better served by allowing regulatory functions to be performed by other appropriate entities, simplifying state government while maintaining core services. Further, it is the intent of the legislature that the state continue to receive oil overcharge restitution funds for our citizens while every effort is being made to maximize federal funds available for energy conservation purposes." [1996 c 186 § 1.]

Part headings not law--1996 c 186: "Part headings used in this act do not constitute part of the law." [1996 c 186 § 602.]

Effective date--1996 c 186: "This act shall take effect July 1, 1996." [1996 c 186 § 603.]

Chapter 43.332 RCW

OFFICE OF THE WASHINGTON STATE TRADE REPRESENTATIVE

Sections

43.332.005 Findings.
43.332.010 Office created--Finances.

RCW 43.332.005 Findings.

- (1) The legislature finds that:
 - (a) The expansion of international trade is vital to the overall growth of Washington's economy;
 - (b) On a per capita basis, Washington state is the most international trade dependent state in the nation;
 - (c) The North American free trade agreement (NAFTA) and the general agreement on tariffs and trade (GATT) highlight the increased importance of international trade opportunities to the United States and the state of Washington;
 - (d) The passage of NAFTA and GATT will have a major impact on the state's agriculture, aerospace, computer software, and textiles and apparel sectors;
 - (e) There is a need to strengthen and coordinate the state's activities in promoting and developing its agricultural, manufacturing, and service industries overseas, especially for small and medium-sized businesses, and minority and women-owned business enterprises; and
 - (f) The importance of having a coherent vision for advancing Washington state's interest in the global economy has rarely been so consequential as it is now.
- (2) The legislature declares that the purpose of the office of the Washington state trade representative is to strengthen and expand the state's activities in marketing its goods and services overseas.

[1995 c 350 § 1.]

RCW 43.332.010 Office created--Finances.

The office of the Washington state trade representative is created under the office of the

governor. The office shall serve as the state's official liaison with foreign governments on trade matters.

The office of the Washington state trade representative may accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this section. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

[1995 c 350 § 2.]

Chapter 43.950 RCW CONSTRUCTION

Sections

| | |
|------------|--|
| 43.950.010 | Continuation of existing law. |
| 43.950.020 | Title, chapter, section headings not part of law. |
| 43.950.030 | Invalidity of part of title not to affect remainder. |
| 43.950.040 | Repeals and saving. |

RCW 43.950.010 Continuation of existing law.

The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1965 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment.

[1965 c 8 § 43.198.010. Formerly RCW 43.198.010.]

RCW 43.950.020 Title, chapter, section headings not part of law.

Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

[1965 c 8 § 43.198.020. Formerly RCW 43.198.020.]

RCW 43.950.030 Invalidity of part of title not to affect remainder.

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

[1965 c 8 § 43.198.030. Formerly RCW 43.198.030.]

RCW 43.950.040 Repeals and saving.

See 1965 c 8 § 43.198.040. Formerly RCW 43.198.040.

**Title 44 RCW
STATE GOVERNMENT--LEGISLATIVE**

Chapters

- 44.04 General provisions.**
- 44.05 Washington State Redistricting Act.**
- 44.07C Legislative districts and apportionment.**
- 44.16 Legislative inquiry.**
- 44.20 Session laws.**
- 44.28 Joint legislative audit and review committee.**
- 44.39 Joint committee on energy supply.**
- 44.40 Legislative transportation committee--Senate and house transportation committees.**
- 44.44 Office of state actuary--Joint committee on pension policy.**
- 44.48 Legislative evaluation and accountability program committee.**
- 44.52 Legislative committee on economic development.**
- 44.68 Joint legislative systems committee.**

NOTES:

Adjournments: State Constitution Art. 2 § 11.

Administrative rules, review by rules review committee of the legislature: RCW 34.05.610 through 34.05.660.

Annual and special sessions: State Constitution Art. 2 § 12.

Apportionment: State Constitution Art. 22.

Attorney general, legal adviser for legislature: RCW 43.10.030.

Bills

drafting service maintained by code reviser: RCW 1.08.027.

origin and amendment: State Constitution Art. 2 § 20.

passage, requirements for: State Constitution Art. 2 § 22.

printing of bills by public printer: RCW 43.78.030.

private interest in: State Constitution Art. 2 § 30.

style: State Constitution Art. 2 § 18.

time for introduction of: State Constitution Art. 2 § 36.

to embrace one subject: State Constitution Art. 2 § 19.

Bribery or corrupt solicitation of legislators: State Constitution Art. 2 § 30.

Campaign financing, disclosure of: Chapter 42.17 RCW.
Census, to provide for: State Constitution Art. 2 § 3.
Commission on uniform legislation: Chapter 43.56 RCW.
Compelling attendance: State Constitution Art. 2 § 8.
Compensation of members
 amount of: RCW 43.03.010.
 appointees to office of state legislator: RCW 43.03.015.
 extra compensation prohibited: State Constitution Art. 2 § 25.
 how determined: State Constitution Art. 28 § 1.
Compensation of state officers, legislature to determine: State Constitution Art. 28 § 1.
Composition: State Constitution Art. 2 § 2.
Constitutional provisions relating to legislature: State Constitution Art. 2.
Contempt of legislature, how punished: State Constitution Art. 2 § 9.
Contested elections of state elective officers, legislature to decide: State Constitution Art. 3 § 4.
Continuity of government act: Chapter 42.14 RCW.
Council for the prevention of child abuse and neglect, legislators as ex officio members: RCW 43.121.020.
Counties
 government, legislature to provide for: State Constitution Art. 11 § 4.
 officers, legislature to provide for and fix compensation: State Constitution Art. 11 § 5; Art. 11 § 8.
Crimes relating to legislature: Chapter 9.55 RCW.
Elections
 certification to legislature of returns: RCW 43.07.030.
 judges of own election and qualifications: State Constitution Art. 2 § 8.
 officers of legislature: State Constitution Art. 2 § 10.
 qualifications of legislators: State Constitution Art. 2 § 7.
 registration laws, legislature to enact: State Constitution Art. 6 § 7.
 representatives: State Constitution Art. 2 § 4.
 secrecy of voting, legislature to provide for: State Constitution Art. 6 § 6.
 senators: State Constitution Art. 2 § 6.
 time for holding: State Constitution Art. 2 § 5.
 voice vote required: State Constitution Art. 2 § 27.
Ethics in public service act: Chapter 42.52 RCW.
Expulsion of member: State Constitution Art. 2 § 9.
Extraordinary sessions convened by governor: State Constitution Art. 3 § 7.
Financial disclosure by members: Chapter 42.17 RCW.
Fiscal notes on legislation: Chapter 43.88A RCW.
Free transportation prohibited: State Constitution Art. 2 § 39; Art. 12 § 20.
Freedom of debate: State Constitution Art. 2 § 17.
Governor-elect, appropriation for office and staff: RCW 43.06.055.
Governor's message to legislature: State Constitution Art. 3 § 6.
Harbor line commission, legislature shall provide for: State Constitution Art. 15 § 1.
Health professions, legislation regulating: Chapter 18.120 RCW.
Homestead and other property exemptions of families, legislature to protect: State Constitution Art. 19 § 1.
Hospitalization and medical aid for public employees and dependents--Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.
Immunity of members from arrest: State Constitution Art. 2 § 16.
Impeachment: State Constitution Art. 5 §§ 1, 2.
Initiative and referendum: State Constitution Art. 2 § 1; chapter 29.79 RCW.
Joint administrative rules review committee: RCW 34.05.610 through 34.05.681.
Journals

distribution of copies: RCW 40.04.090.
each house to keep: State Constitution Art. 2 § 11.
entry of vote upon: State Constitution Art. 2 § 21.
public printer to print and bind: RCW 43.78.030.
secretary of state as custodian: RCW 43.07.040.

Judiciary

inferior courts, legislature to prescribe jurisdiction and powers of: State Constitution Art. 4 § 12.
justices of the peace, number, powers, duties and jurisdiction to be fixed by legislature: State Constitution Art. 4 § 10.
publication of supreme court opinions to be provided for by legislature: State Constitution Art. 4 § 21.
supreme court judges, legislature may increase number: State Constitution Art. 4 § 2.

Legislation

effective date: State Constitution Art. 2 § 41.
how signed: State Constitution Art. 2 § 32.
limitation of amendments: State Constitution Art. 2 § 38.
secretary of state custodian of acts, resolutions and journals: RCW 43.07.040.
section amended must be set forth in full: State Constitution Art. 2 § 37.
special legislation prohibited: State Constitution Art. 2 § 28.
time limitation for introduction: State Constitution Art. 2 § 36.
veto: State Constitution Art. 3 § 12.

Legislative district chair: RCW 29.42.070.

Legislators as retired state employees for insurance purposes: RCW 41.05.080.

Legislature

community college bonds, legislature may provide additional means for payment of principal and interest on: RCW 28B.50.400.
studies on environmental problems by director of ecology: RCW 43.21A.130.
workers' compensation, joint committee: See note following RCW 51.04.110.

Limitations on holding other public office: State Constitution Art. 2 §§ 13, 14.

Local government redistricting: Chapter 29.70 RCW.

Medicine and surgery, legislature to enact laws to regulate: State Constitution Art. 20 § 2.

Microfilming of records to provide continuity of civil government: Chapter 40.10 RCW.

Mileage: State Constitution Art. 2 § 23; RCW 43.03.010.

Militia, legislature to provide for: State Constitution Art. 10 § 2.

Misconduct of public officers: Chapter 42.20 RCW.

Municipal corporations

combined city and county, legislature to provide for: State Constitution Art. 11 § 16.
incorporation, provisions for to be provided by legislature: State Constitution Art. 11 § 10.
limitation on power of legislature to levy taxes upon: State Constitution Art. 11 § 12.
local improvement by special assessments, legislature may provide: State Constitution Art. 7 § 9.

Navigable waters, right to lease land for wharves, docks, etc., legislature to provide laws for: State Constitution Art. 15 § 2.

Private interest of legislator in bill: State Constitution Art. 2 § 30.

Privilege from arrest: State Constitution Art. 2 § 16.

Qualifications of legislators: State Constitution Art. 2 § 7.

Quorum: State Constitution Art. 2 § 8.

Reapportionment: State Constitution Art. 2 § 3.

Recall: State Constitution Art. 1 §§ 33, 34; chapter 29.82 RCW.

Records of legislature kept by secretary of state: State Constitution Art. 3 § 17.

Reprieves, commutations, and pardons, governor to report to legislature: State Constitution Art. 3 § 11.

Revised Code of Washington, legislators to receive copies of: RCW 1.08.070.

Salaries: RCW 43.03.010.

Schools, legislature to provide for: State Constitution Art. 9 § 2.

Session laws

delivery of copies for use of legislature: RCW 40.04.040.

public printer to print and bind: RCW 43.78.030.

secretary of state as custodian of acts and resolutions: RCW 43.07.040.

Sessions, time for meeting, duration: State Constitution Art. 2 § 12.

Soldiers' home, legislature to provide for: State Constitution Art. 10 § 3.

Special sessions convened by legislature or governor: State Constitution Art. 2 § 12, Art. 3 § 7.

State participation within student exchange compact programs--Board to advise legislature: RCW 28B.80.170.

Statute law committee, legislative membership on: RCW 1.08.001.

Taxation

deficiencies, legislature may provide for tax to pay: State Constitution Art. 7 § 8.

limitation on legislature to tax municipal corporations: State Constitution Art. 11 § 12.

limitations on state expenditures: Chapter 43.135 RCW.

Transportation, department of, study reports available to legislators upon request: RCW 47.01.145.

Vacancies

acceptance of federal office vacates seat: State Constitution Art. 2 § 14.

how filled: State Constitution Art. 2 § 15.

term of person elected to fill: RCW 42.12.030.

Veto: State Constitution Art. 3 § 12.

Washington scholars' program, participation in: RCW 28A.600.010 through 28A.600.150.

Chapter 44.04 RCW GENERAL PROVISIONS

Sections

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| 44.04.010 | Date of regular sessions. |
| 44.04.015 | Term limits. |
| 44.04.021 | Commencement of terms of office. |
| 44.04.040 | Vouchers for pay and mileage of members--Warrants. |
| 44.04.041 | Warrants for pay and mileage of members--Payment of. |
| 44.04.050 | Vouchers for pay of employees--Warrants. |
| 44.04.051 | Warrants for pay of employees--Payment of. |
| 44.04.060 | Vouchers for incidental expenses--Warrants. |
| 44.04.070 | Warrants for incidental expenses--Payment of. |
| 44.04.090 | Warrants for subsistence and lodging. |
| 44.04.100 | Contest of election--Depositions. |
| 44.04.120 | Members' allowances when engaged in legislative business. |
| 44.04.125 | Allowances of members-elect when attending meetings. |
| 44.04.130 | Members' insurance coverage during aircraft flights. |
| 44.04.140 | Security and protection of legislature--State patrol. |
| 44.04.170 | Information from municipal associations. |
| 44.04.180 | Legislative records--Preservation. |
| 44.04.190 | Fiscal impact of proposed legislation on political subdivisions--Fiscal notes. |
| 44.04.200 | References to regular session of the legislature. |
| 44.04.210 | Gender-neutral terms. |
| 44.04.220 | Legislative children's oversight committee. |
| 44.04.230 | Teachers' insurance benefits--Reimbursement. |

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| 44.04.240 | Teachers' insurance benefits--Payment of warrants. |
| 44.04.250 | Surplus computer equipment--Donation to schools. |
| 44.04.260 | Legislative committees--Oversight. |

NOTES:

Cashing checks, drafts, and state warrants for state officers and employees: RCW 43.08.180.

Development of definitions, criteria, and procedures for the operating cost of instruction--Educational cost study: RCW 28B.15.070.

Eligibility of member of legislature to appointment or election to office of official whose salary was increased during legislator's term: RCW 3.58.010.

Emoluments of office for appointees to office of state legislator: RCW 43.03.015.

Studies and adoption of classifications for school district budgets--Publication: RCW 28A.300.060.

RCW 44.04.010 Date of regular sessions.

Regular sessions of the legislature shall be held annually, commencing on the second Monday of January.

[1980 c 87 § 27; 1979 ex.s. c 48 § 1; 1891 c 20 § 1; RRS § 8177.]

Notes:

Effective date--1979 ex.s. c 48: "This 1979 act shall take effect on January 1, 1980, if the proposed amendment to Article II, section 12 of the state Constitution by Substitute Senate Joint Resolution No. 110, providing for annual sessions of the legislature, is validly submitted and is approved and ratified by the voters at a general election held in November, 1979. If the proposed amendment is not so approved and ratified, this 1979 act shall be null and void in its entirety." [1979 ex.s. c 48 § 2.] "This 1979 act" refers to the amendment to RCW 44.04.010 by 1979 ex.s. c 48. Substitute Senate Joint Resolution No. 110 was approved and ratified by the people at the November 6, 1979, general election.

Regular and special sessions: State Constitution, Art. 2 § 12.

RCW 44.04.015 Term limits.

(1) No person is eligible to appear on the ballot or file a declaration of candidacy for the house of representatives of the legislature who, by the end of the then current term of office will have served, or but for resignation would have served, as a member of the house of representatives of the legislature during six of the previous twelve years.

(2) No person is eligible to appear on the ballot or file a declaration of candidacy for the senate of the legislature who, by the end of the then current term of office will have served, or but for resignation would have served, as a member of the senate of the legislature during eight of the previous fourteen years.

(3) No person is eligible to appear on the ballot or file a declaration of candidacy for the legislature who has served as a member of the legislature for fourteen of the previous twenty years.

[1993 c 1 § 3 (Initiative Measure No. 573, approved November 3, 1992).]

Notes:

Preamble--Severability--1993 c 1 (Initiative Measure No. 573): See notes following RCW 43.01.015.

RCW 44.04.021 Commencement of terms of office.

The regular term of office of each senator and representative shall commence on the second Monday in January following the date of election.

[1987 c 13 § 1; 1981 c 288 § 68. Formerly RCW 44.07B.870.]

RCW 44.04.040 Vouchers for pay and mileage of members--Warrants.

The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the mileage and daily pay of members of the legislature on presentation of certificates showing amounts due for miles traveled and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the chief clerk or secretary, respectively, of the body to which the members belong. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates.

[1973 c 106 § 17; 1890 p 6 § 1; RRS § 8150.]

Notes:

Annual salary: RCW 43.03.010.

Mileage allowance: State Constitution Art. 2 § 23; RCW 43.03.010.

RCW 44.04.041 Warrants for pay and mileage of members--Payment of.

Upon presentation of a warrant drawn as provided for in RCW 44.04.040, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the state of Washington: PROVIDED, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom.

[1890 p 6 § 2; RRS § 8151. Formerly RCW 44.04.070, part.]

RCW 44.04.050 Vouchers for pay of employees--Warrants.

The chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due officers and employees of the legislature on presentation of certificates signed by the speaker or president, and countersigned by the chief clerk or secretary of the body in which the service of the officer or employee is rendered, and showing amounts due to dates specified. The state treasurer shall issue warrants which shall be drawn in favor and be made payable to the order of the officer or employee named in each certificate.

[1973 c 106 § 18; 1890 p 3 § 1; RRS § 8148.]

RCW 44.04.051 Warrants for pay of employees--Payment of.

Upon presentation to the state treasurer of a warrant drawn as provided for in RCW 44.04.050, that officer shall pay the same from any money in the state treasury appropriated for the expenses of the legislature of the state of Washington: PROVIDED, That should there be no money in the treasury of the state covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from date of such indorsement and shall be payable thereafter as is provided by law and custom.

[1890 p 3 § 2; RRS § 8149. Formerly RCW 44.04.070, part.]

RCW 44.04.060 Vouchers for incidental expenses--Warrants.

The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the incidental expenses of the legislature, on presentation of certificates showing amounts due for material furnished and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the sergeant-at-arms, respectively, of the body ordering the expenditures. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates.

[1973 c 106 § 19; 1890 p 10 § 1; RRS § 8152.]

RCW 44.04.070 Warrants for incidental expenses--Payment of.

Upon presentation of a warrant, drawn as provided for in RCW 44.04.060, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the state of Washington: PROVIDED, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom.

[1890 p 10 § 2; RRS § 8153. FORMER PARTS OF SECTION: (i) 1890 p 3 § 2, now codified as RCW 44.04.051. (ii) 1890 p 6 § 2, now codified as RCW 44.04.041.]

RCW 44.04.090 Warrants for subsistence and lodging.

The state treasurer shall issue warrants for said reimbursement supported by affidavits that the reimbursement is claimed for expenses of subsistence and lodging actually incurred without itemization and without receipts. Such warrants shall be immediately paid from any funds appropriated for the purpose.

[1973 c 106 § 20; 1941 c 173 § 2; Rem. Supp. 1941 § 8153-2.]

RCW 44.04.100 Contest of election--Depositions.

Any person desiring to contest the election of any member of the legislature, may, at any time after the presumptive election of such member and before the convening of the ensuing regular session of the legislature, have the testimony of witnesses, to be used in support of such contest, taken and perpetuated, by serving not less than three days' written notice upon the member whose election he desires to contest, of his intention to institute such contest and that he desires to take the testimony of certain witnesses named in such notice, at a time and place named therein, before a notary public duly commissioned and qualified and residing in the county where the presumptive member resides, giving the name of such notary public, which deposition shall be taken in the manner provided by law for the taking of depositions in civil actions in the superior court. The presumptive member of the legislature, whose election is to be contested, shall have the right to appear, in person or by counsel, at the time and place named in the notice, and cross examine any witness produced and have such cross examination made a part of such deposition, and to produce witnesses and have their depositions taken for the purpose of sustaining his election. The notary public before whom such deposition is taken shall transmit such depositions to the presiding officer of the senate, or house of representatives, as the case may be, in which said contest is to be instituted, in the care of the secretary of state, at the state capitol, by registered mail, and it shall be the duty of the secretary of state upon the convening of the legislature to transmit said depositions, unopened, to the presiding officer of the senate, or the house of representatives, as the case may be, to whom it is addressed, and in case such contest is instituted said depositions may be opened and read in evidence in the manner provided by law for the opening and introduction of depositions in civil actions in the superior court.

[1927 c 205 § 1; RRS § 8162-1. Prior: Code 1881 §§ 3125-3139.]

Notes:

Contest of elections: Chapter 29.65 RCW.

Depositions: Rules of court: CR 26 through 37.

Legislature to judge election and qualifications of members: State Constitution Art. 2 § 8.

Recall: State Constitution Art. 1 §§ 33, 34, chapter 29.82 RCW.

RCW 44.04.120 Members' allowances when engaged in legislative business.

Each member of the senate or house of representatives when serving on official legislative business shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, an allowance in an amount fixed by the secretary of the senate and chief clerk of the house, respectively, in accordance with applicable rules and resolutions of each body. Such allowance shall be reasonably calculated to reimburse expenses, exclusive of mileage, which are ordinary and necessary in the conduct of legislative business, recognizing cost variances which are encountered in different locales. The allowance authorized shall not exceed the greater of

forty-four dollars per day or the maximum daily amount determined under RCW 43.03.050, as now or hereafter amended. In addition, a mileage allowance shall be paid at the rate per mile provided for in RCW 43.03.060, as now or hereafter amended, when authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged.

[1985 c 3 § 1; 1979 ex.s. c 255 § 3; 1974 ex.s. c 157 § 2; 1973 1st ex.s. c 197 § 5; 1967 ex.s. c 112 § 4; 1963 ex.s. c 7 § 1; 1959 ex.s. c 10 § 1.]

Notes:

Effective date--1979 ex.s. c 255: See note following RCW 43.03.010.

RCW 44.04.125 Allowances of members-elect when attending meetings.

Each member-elect of the senate or house of representatives who attends any meeting of the legislature or any of its committees, upon the invitation of the committee on rules of his or her respective house, shall be entitled to receive per diem, mileage, and incidental expense allowances at the rates prescribed in chapter 44.04 RCW, as now or hereafter amended.

[1975 1st ex.s. c 185 § 1.]

RCW 44.04.130 Members' insurance coverage during aircraft flights.

See RCW 43.01.120.

RCW 44.04.140 Security and protection of legislature--State patrol.

See RCW 43.43.037.

RCW 44.04.170 Information from municipal associations.

It shall be the duty of each association of municipal corporations or municipal officers, which is recognized by law and utilized as an official agency for the coordination of the policies and/or administrative programs of municipal corporations, to submit biennially, or oftener as necessary, to the governor and to the legislature the joint recommendations of such participating municipalities regarding changes which would affect the efficiency of such municipal corporations. Such associations shall include but shall not be limited to the Washington state association of fire commissioners, a state association of water/wastewater districts, and the Washington state school directors' association.

[1999 c 153 § 59; 1970 ex.s. c 69 § 2.]

Notes:

Part headings not law--1999 c 153: See note following RCW 57.04.050.

Purpose--1970 ex.s. c 69: "It is the purpose of this act to assist the legislature in obtaining adequate information as to the needs of its municipal corporations and other public agencies and their recommendations for improvements." [1970 ex.s. c 69 § 1.]

Intent--Construction--1970 ex.s. c 69: "The intent of this act is to clarify and implement the powers of

the public agencies to which it relates and nothing herein shall be construed to impair or limit the existing powers of any municipal corporation or association." [1970 ex.s. c 69 § 3.]

RCW 44.04.180 Legislative records--Preservation.

See RCW 40.14.100 through 40.14.180.

RCW 44.04.190 Fiscal impact of proposed legislation on political subdivisions--Fiscal notes.

See chapter 43.132 RCW.

RCW 44.04.200 References to regular session of the legislature.

After June 12, 1980, all references in the Revised Code of Washington to a regular session of the legislature mean a regular session during an odd- or even-numbered year unless the context clearly requires otherwise.

[1980 c 87 § 1.]

RCW 44.04.210 Gender-neutral terms.

(1) All statutes, memorials, and resolutions enacted, adopted, or amended by the legislature after July 1, 1983, shall be written in gender-neutral terms unless a specification of gender is intended.

(2) No statute, memorial, or resolution is invalid because it does not comply with this section.

[1983 c 20 § 3.]

Notes:

Intent--1983 c 20: See note following RCW 43.01.160.
Number and gender in statutes: RCW 1.12.050.

RCW 44.04.220 Legislative children's oversight committee.

(1) There is created the legislative children's oversight committee for the purpose of monitoring and ensuring compliance with administrative acts, relevant statutes, rules, and policies pertaining to family and children services and the placement, supervision, and treatment of children in the state's care or in state-licensed facilities or residences. The committee shall consist of three senators and three representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate. The house members of the committee shall be appointed by the speaker of the house. Not more than two members from each chamber shall be from the same political party. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(2) The committee shall have the following powers:

- (a) Selection of its officers and adopt rules for orderly procedure;
 - (b) Request investigations by the ombudsman of administrative acts;
 - (c) Receive reports of the ombudsman;
 - (d)(i) Obtain access to all relevant records in the possession of the ombudsman, except as prohibited by law; and (ii) make recommendations to all branches of government;
 - (e) Request legislation;
 - (f) Conduct hearings into such matters as it deems necessary.
- (3) Upon receipt of records from the ombudsman, the committee is subject to the same confidentiality restrictions as the ombudsman under RCW 43.06A.050.

[1996 c 131 § 1.]

Notes:

Effective date--1996 c 131 §§ 1-3: "Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 21, 1996]." [1996 c 131 § 7.]

RCW 44.04.230 Teachers' insurance benefits--Reimbursement.

The chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due a school district for any teacher who is on a leave of absence as a legislator, and who has chosen to continue insurance benefits provided by the school district, in lieu of insurance benefits provided to that legislator as a state employee. The amount of reimbursement due the school district is for the actual cost of continuing benefits, but may not exceed the cost of the insurance benefits package that would otherwise be provided through the health care authority.

[1998 c 62 § 1.]

Notes:

Effective date--1998 c 62: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 20, 1998]." [1998 c 62 § 4.]

RCW 44.04.240 Teachers' insurance benefits--Payment of warrants.

Upon presentation to the state treasurer of a warrant issued by the treasurer and drawn for the purposes under RCW 44.04.230, the treasurer shall pay the amount necessary from appropriated funds. If sufficient funds have not been appropriated, the treasurer shall endorse the warrant and the warrant draws interest from the date of the endorsement until paid.

[1998 c 62 § 3.]

Notes:

Effective date--1998 c 62: See note following RCW 44.04.230.

RCW 44.04.250 Surplus computer equipment--Donation to schools.

The chief clerk of the house of representatives may authorize surplus computers and computer-related equipment owned by the house, the secretary of the senate may authorize

surplus computers and computer-related equipment owned by the senate, and the directors of legislative agencies may authorize surplus computers and computer-related equipment owned by his or her respective agency, to be donated to school districts and educational service districts. This section shall not be construed to limit the discretion of the legislature regarding disposal of its surplus property.

[1999 c 186 § 2.]

RCW 44.04.260 Legislative committees--Oversight.

The joint legislative audit and review committee, the legislative transportation committee, the joint committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

[2001 c 259 § 1.]

**Chapter 44.05 RCW
WASHINGTON STATE REDISTRICTING ACT**

Sections

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RCW 44.05.010 Short title.

This act may be cited as the Washington State Redistricting Act.

[1983 c 16 § 1.]

RCW 44.05.020 Definitions.

The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section 43 of the state Constitution.

[1983 c 16 § 2.]

RCW 44.05.030 Redistricting commission--Membership--Chairperson--Vacancies.

A redistricting commission shall be established in January of each year ending in one to accomplish state legislative and congressional redistricting. The five-member commission shall be appointed as follows:

(1) Each legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the chief election officer. If an appointing legislator does not certify an appointment by January 15th of each year ending in one, within five days the supreme court shall certify an appointment to the chief election officer.

(3) No later than January 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint and certify to the chief election officer the nonvoting fifth member who shall act as the commission's chairperson. If by January 31st of the year of their selection three of the four voting members fail to elect a chairperson, the supreme court shall within five days certify an appointment to the chief election officer. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

[1984 c 13 § 1; 1983 c 16 § 3.]

RCW 44.05.040 Oath.

Before serving on the commission every person shall take and subscribe an oath to faithfully perform the duties of that office. The oath shall be filed in the office of the secretary of state.

[1983 c 16 § 4.]

RCW 44.05.050 Members--Persons ineligible to serve.

No person may serve on the commission who:

- (1) Is not a registered voter of the state at the time of selection; or
- (2) Is or has within one year prior to selection been a registered lobbyist; or
- (3) Is or has within two years prior to selection been an elected official or elected legislative district, county, or state party officer. The provisions of this subsection do not apply to the office of precinct committee person.

[1984 c 13 § 2; 1983 c 16 § 5.]

RCW 44.05.060 Members--Political activities prohibited.

No member of the commission may:

- (1) Campaign for elective office while a member of the commission;
- (2) Actively participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission; or
- (3) Hold or campaign for a seat in the state house of representatives, the state senate, or congress for two years after the effective date of the plan.

[1984 c 13 § 3; 1983 c 16 § 6.]

RCW 44.05.070 Employment of personnel--Assistance of state officials--Witness expenses--Appropriations--Compensation.

(1) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter.

(2) The chief election officer, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request. The chief election officer shall be the official recipient of all provisional and preliminary census data and maps, and shall forward such data and maps, upon request, to the commission.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its

duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties. Compensation of employees shall be determined by the commission. The provisions of RCW 43.03.050 and 43.03.060 shall apply to both the members and the employees of the commission.

[1983 c 16 § 7.]

RCW 44.05.080 Duties.

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.17 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) Be subject to the provisions of RCW 42.17.240;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

[1983 c 16 § 8.]

RCW 44.05.090 Redistricting plan.

In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that

prevent transportation within a district should not be deemed contiguous; and

(c) Whenever practicable, a precinct shall be wholly within a single legislative district.

(3) The commission's plan and any plan adopted by the supreme court under RCW 44.05.100(4) shall provide for forty-nine legislative districts.

(4) The house of representatives shall consist of ninety-eight members, two of whom shall be elected from and run at large within each legislative district. The senate shall consist of forty-nine members, one of whom shall be elected from each legislative district.

(5) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

[1990 c 126 § 1; 1983 c 16 § 9.]

RCW 44.05.100 Submission of plan to legislature--Amendment--Effect--Adoption by supreme court, when.

(1) Upon approval of a redistricting plan by three of the voting members of the commission, but not later than December 15th of the year ending in one, the commission shall submit the plan to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not include more than two percent of the population of any legislative or congressional district.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of the time provided for legislative amendment by subsection (2) of this section whichever occurs first, and shall constitute the districting law applicable to this state for legislative and congressional elections, beginning with the next elections held in the year ending in two. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6).

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by March 1st of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6).

[1995 c 88 § 1; 1983 c 16 § 10.]

RCW 44.05.110 Cessation of operations--Financial statement--Official record.

(1) Following the period provided by RCW 44.05.100(1) for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, maps, data collected, minutes of meetings, written communications, and other information of a similar nature. Once the commission ceases to exist, the chief election officer shall be the custodian of the official record for purposes of reprecincting and election administration. The chief election officer shall provide for the permanent preservation of this official record pursuant to chapter 42.17 RCW and Title 40 RCW. Once the commission ceases to exist any budget surplus shall revert to the state general fund.

(2) Except as provided in RCW 44.05.120 for a reconvened commission, the commission shall cease to exist on July 1st of each year ending in two unless the supreme court extends the commission's term.

[1983 c 16 § 11.]

RCW 44.05.120 Reconvening of commission to modify plan.

(1) If a commission has ceased to exist, the legislature may, upon an affirmative vote in each house of two-thirds of the members elected or appointed thereto, adopt legislation reconvening the commission for the purpose of modifying the redistricting plan.

(2) RCW 44.05.050 governs the eligibility of persons to serve on the reconvened commission. A vacancy involving a voting member of the reconvened commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the effective date of the legislation reconvening the commission. A vacancy involving the nonvoting member of the commission shall be filled by an affirmative vote of at least [least] three of four voting members, within fifteen days after all other vacancies are filled or, if no other vacancies exist, within fifteen days after the effective date of the legislation reconvening the commission. A subsequent vacancy on a reconvened commission shall be filled by the person or persons who made the initial appointment, or their successor, within fifteen days after the vacancy occurs. If any appointing authority fails to make a required appointment within the time limitations established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) The provisions of RCW 44.05.070 and 44.05.080 are applicable if a commission is reconvened under this section.

(4) The commission shall complete the modification to the redistricting plan as soon as possible, but no later than sixty days after the effective date of the legislation reconvening the commission. At least three of the voting members shall approve the modification to the redistricting plan.

(5) Following approval of a modification to the redistricting plan by the commission, the legislature has the next thirty days during any regular or special session to amend the commission's modification. Any amendment by the legislature must be approved by an

affirmative vote in each house of two-thirds of the members elected or appointed thereto. No amendment by the legislature may include more than two percent of the population of any legislative or congressional district contained in the commission's modification.

(6) The commission's modification to the redistricting plan, with any amendments approved by the legislature, shall be final upon approval of the amendments or after expiration of the time provided for legislative amendment by subsection (5) of this section, whichever occurs first.

(7) Following the period provided by subsection (4) of this section for the commission's approval of a modification to the redistricting plan, the commission shall take all necessary steps to conclude its business and cease operations in accordance with RCW 44.05.110(1). A reconvened commission shall cease to exist ninety days after the effective date of the legislation reconvening the commission, unless the supreme court extends the commission's term.

[1983 c 16 § 12.]

RCW 44.05.130 Challenges to plan.

After the plan takes effect as provided in RCW 44.05.100, any registered voter may file a petition with the supreme court challenging the plan. After a modification to the redistricting plan takes effect as provided in RCW 44.05.120, any registered voter may file a petition with the supreme court challenging the amended plan. The court may consolidate any or all petitions and shall give all such petitions precedence over all other matters.

[1983 c 16 § 13.]

RCW 44.05.900 Contingent effective date--1983 c 16.

This act shall take effect if the proposed amendment to Article II of the state Constitution establishing a commission for state legislative and congressional redistricting is validly submitted to and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety.

[1983 c 16 § 18.]

Notes:

Reviser's note: Senate Joint Resolution No. 103, requiring redistricting commissions and plans, was approved by the voters November 8, 1983, and is codified as Article II, section 43 of the state Constitution.

RCW 44.05.901 Severability--1983 c 16.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 c 16 § 17.]

RCW 44.05.902 Severability--1984 c 13.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1984 c 13 § 5.]

**Chapter 44.07C RCW
LEGISLATIVE DISTRICTS AND APPORTIONMENT**

Reviser's note: The following material represents the legislative portion of the redistricting plan filed with the legislature by the Washington State Redistricting Commission on January 1, 1992. For United States congressional districts, see chapter 29.69B RCW.

WASHINGTON STATE REDISTRICTING COMMISSION

REDISTRICTING PLAN

A PLAN Relating to the redistricting of state legislative and congressional districts.

BE IT APPROVED BY THE REDISTRICTING COMMISSION OF THE STATE OF WASHINGTON:

Sec. 1. It is the intent of the commission to reapportion and redistrict the congressional and legislative districts of the state of Washington in accordance with the Constitution and laws of the United States and the state of Washington.

Sec. 2. The definitions set forth in RCW 44.05.020 apply throughout this plan, unless the context requires otherwise.

Sec. 3. In every case the population of the congressional and legislative districts described by this plan has been ascertained on the basis of the total number of persons found inhabiting such areas as of January 1, 1990, in accordance with the 1990 federal decennial census data submitted pursuant to P.L. 94-171.

Sec. 4. (a) Any area not specifically included within the boundaries of any of the districts as described in this plan and which is completely surrounded by a particular district, shall be a part of that district. Any such area not completely surrounded by a particular district shall be a part of the district having the smallest number of inhabitants and having territory contiguous to such area.

(b) Any area described in this plan as specifically embraced in two or more noninclusive districts shall be a part of the adjacent district having the smallest number of inhabitants and shall not be a part of the other district or districts.

(c) Any area specifically mentioned as embraced within a district but separated from such district by one or more other districts, shall be assigned as though it had not been included in any district specifically described.

(d) The 1990 United States federal decennial census data submitted pursuant to P.L. 94-171 shall be used

for determining the number of inhabitants under this plan.

(e) If any court of competent jurisdiction requires nonresident military personnel that were not included in the United States census bureau data to be included, these persons shall be included in the population of the district or districts from which the persons were excluded.

Sec. 5. For purposes of this plan, districts shall be described in terms of:

(1) Official United States census bureau tracts, block numbering areas, block groups, blocks, or census county divisions established by the United States bureau of the census in the 1990 federal decennial census;

(2) Counties, municipalities, or other political subdivisions as they existed on January 1, 1990;

(3) Any natural or artificial boundaries or monuments including but not limited to rivers, streams, or lakes as they existed on January 1, 1990;

(4) Roads, streets, or highways as they existed on January 1, 1990.

Sec. 6. The following abbreviations used in this plan have the following meanings:

(1) "T" means "census tract";

(2) "BG" means "census block group";

(3) "B" means "block";

(4) "BNA" means "block numbering area"; and

(5) "Division" or "div." means "census county division".

Sec. 7. For election of members of the legislature, the territory of the state shall be divided into forty-nine districts. Two members of the house of representatives shall be elected from and run at large within each legislative district. One member of the senate shall be elected from each legislative district.

Sec. 8. The legislative districts described by this plan shall be those recorded electronically as "PLAN PRCOM - 019L", maintained in computer files designated as FINAL-LEG, which are public records of the commission. As soon as practicable after approval and submission of this plan to the legislature, the commission shall publish PLAN PRCOM - 019L in conformity with the description terminology set forth in sec. 6.

Sec. 9. For election of members of Congress, the territory of the state shall be divided into nine districts. The congressional districts described by this plan shall be those recorded electronically as "PLAN PRCOM - 0 C", maintained in computer files designated as FINAL-CON, which are public records of the commission. As soon as practicable after approval and submission of this plan to the legislature, the commission shall publish PLAN PRCOM - 0 C in conformity with the description terminology set forth in sec. 6.

Sec. 10. The commission intends that existing law shall continue to govern such matters as the terms and dates of election for members of the senate to be elected from each district, the status of "hold-over" senators, and the elections to fill vacancies, when required, provided that districts referred to in existing law and designated by number (without regard to any letter following that number) shall refer to districts of the same number described in this plan, beginning with the next elections in 1992.

Sec. 11. This commission intends that this plan supersede the district boundaries established by chapter 288, Laws of 1981 and chapter 17, Laws of 1983, and acknowledges that it is inconsistent with certain provisions of existing law, including but not limited to RCW 44.07B.001, RCW 44.07B.002, RCW 44.07B.005 through RCW 44.07B.800, RCW 44.07B.840, and RCW 29.69A.001 through RCW 29.69A.080.

District 1: King: Tract 0217: Block Group 1: Block 101, Block 102, Block 104, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 213, Block 214A, Block 214B, Block 215, Block 216, Block 217A, Block 217B, Block 217C, Block 218A, Block 218B, Block 219; Tract 0218.01: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316A, Block 316B, Block 317, Block 318A, Block 318B, Block 319, Block 320, Block 321, Block 322; Block Group 4: Block 401A, Block 401B, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406A, Block 406B, Block 406C, Block 406D, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412A, Block 412B, Block 413; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505A, Block 505B, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512A, Block 512B, Block 513, Block 514A, Block 514B, Block 514C, Block 514D, Block 514E, Block 514F, Block 514G, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525; Tract 0218.02: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 206A, Block 206B, Block 206C, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310; Tract 0219.01: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 401E, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0219.03: Block Group 2: Block 201, Block 202, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Tract 0220.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905A, Block 905B, Block 905C, Block 905D, Block 906A, Block 906B, Block 906C, Block 907, Block 908A, Block 908B, Block 908C, Block 909, Block 910, Block 911A, Block 911B, Block 911C, Block 912A, Block 912B, Block 913, Block 914A, Block 914B, Block 914C, Block 914D, Block 915; Tract 0220.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0221: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Tract 0222.01: Block Group 3: Block 301, Block 302, Block 303, Block 304; Block Group 4: Block 401, Block 402, Block 403,

Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432; Tract 0222.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Tract 0222.98: Block Group 1: Block 101A, Block 102, Block 103, Block 104, Block 105; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301A, Block 302; Block Group 9: Block 905A; Tract 0223.98: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905B; Snohomish: Tract 0417: Block Group 4: Block 402B; Tract 0511: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 206A, Block 206B, Block 206C, Block 206D, Block 206E, Block 207A, Block 207B, Block 207C, Block 207D, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 510, Block 511, Block 512, Block 514, Block 515, Block 516; Tract 0512: Block Group 1: Block 102, Block 104, Block 105, Block 106A, Block 106B, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509; Tract 0513: Block Group 1: Block 101B, Block 102, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 108C, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213A, Block 213B, Block 215, Block 226; 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Block Group 5: Block 501A, Block 501B, Block 501C, Block 501D, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518; Block Group 6: Block 601A, Block 601B, Block 601C, Block 602, Block 603A, Block 603B, Block 604A, Block 604B, Block 604C, Block 605, Block 606, Block 607, Block 608A, Block 608B, Block 609, Block 610, Block 611, Block 612; Tract 0519.07: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block

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Tract 0731.03: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220A, Block 220B, Block 220C, Block 221, Block 222A, Block 222B, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Tract 0731.04: Block Group 1: Block 104; Block Group 2: Block 215, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503A, Block 503B, Block 504, Block 505, Block 506, Block 507; Tract 0731.05: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117;

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District 4: Spokane: Tract 0001: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 113C, Block 113E, Block 113F, Block 114, Block 115A, Block 115B, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 176, Block 177, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185; Tract 0002: Block Group 3: Block 317, Block 319B; Tract 0017: Block Group 4: Block 401B; Tract 0101: Block Group 2: Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 270, Block 271, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 290, Block 291; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 950; Tract 0102: Block Group 3: Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378; Block Group 4: Block 441, Block 442; Block Group 9: Block 901, Block 902, Block 903; Tract 0105.01: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418; Tract 0108: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 131, Block 132, Block 133, Block 139, Block 140, Block 141, Block 144, Block 145, Block 146; Tract 0111: Block Group 2: Block 201, Block 207, Block 209, Block 213, Block 214, Block 215, Block 218, Block 219, Block 220; Tract 0112.01: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908A, Block 908B, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934, Block 935, Block 936, Block 937, Block 938B, Block 939, Block 940, Block 941, Block 942, Block 943, Block 944, Block 945, Block 946, Block 947, Block 948, Block 949, Block 950, Block 951, Block 952, Block 953, Block 954, Block 955, Block 956, Block 957B; Tract 0112.02: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505A, Block 505B, Block 506, Block 507, Block 508A, Block 508B, Block 509, Block 510A, Block 510B; Tract 0113: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122; Block

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Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712A, Block 713, Block 714, Block 715, Block 716A, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block 739A, Block 741A, Block 741B, Block 742, Block 743, Block 744, Block 745, Block 746, Block 747, Block 748, Block 749, Block 750, Block 751, Block 752, Block 753, Block 754, Block 755, Block 756, Block 757, Block 758, Block 759, Block 760, Block 761, Block 762, Block 763A, Block 764A; Tract 0104.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 125, Block 126, Block 127, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 195, Block 196; 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Tract 0105.01: Block Group 3: Block 301; Tract 0105.98: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 5: Block 505, Block 506, Block 507; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 648, Block 649; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708,

Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738; Block Group 8: Block 801, Block 802, Block 803, Block 804A, Block 804B, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811A; Tract 0112.02: Block Group 1: Block 101, Block 136, Block 137; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 648, Block 650; Tract 0141: Block Group 3: Block 315, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 339, Block 340, Block 341, Block 348, Block 349, Block 350, Block 352, Block 375, Block 376, Block 377; Block Group 4: Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 430, Block 431, Block 433, Block 434, Block 435, Block 436; Stevens.

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Block 445, Block 446, Block 447; Block Group 5: Block 501A, Block 501B, Block 502A, Block 502B, Block 503, Block 504, Block 532, Block 533, Block 534; Tract 0108.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 105C, Block 105D, Block 105E, Block 105F, Block 105G, Block 105H, Block 105J, Block 106A, Block 106B, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 110C, Block 111, Block 112, Block 113A, Block 113B, Block 114A, Block 114B, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205A, Block 205B, Block 205C, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318A, Block 318B, Block 319A, Block 319B, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329; 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Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420; Block Group 5: Block 501, Block 502A, Block 502B, Block 502C, Block 503, Block 504A, Block 504B, Block 505, Block 506A, Block 506B, Block 507, Block 508, Block 509A, Block 509B, Block 510A, Block 510B, Block 511, Block 512A, Block 512B, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608; Tract 0109.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 206A, Block 206B, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308A, Block 308B, Block 308C, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 408C, Block 409, Block 410A, Block 410B, Block 410C, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Tract 0110.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115A, Block 115B, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; 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307C, Block 307D, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 403C, Block 403D, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503A, Block 503B, Block 503C, Block 503D, Block 504A, Block 504B, Block 505A, Block 505B, Block 506, Block 507, Block 508; Tract 0111: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523; Block Group 6: Block 601A, Block 601B, Block 602, Block 603, Block 604, Block 605A, Block 605B, Block 605C, Block 605D, Block 606; Block Group 7: Block 701A, Block 701B, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707A, Block 707B, Block 708, Block 709, Block 710, Block 711, Block 712; Tract 0112, Tract 0113: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161; 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Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521A, Block 521B, Block 522, Block 523A, Block 523B, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537A, Block 537B; Tract 0114.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315A, Block 315B, Block 315C, Block 316, Block 317, Block 318, Block 319; Tract 0114.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302A, Block 302B, Block 302C, Block 303, Block 304, Block 305; Block Group 4: Block 401A, Block 401B, Block 401C, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503,

Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519; Tract 0115.01: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 104C, Block 105, Block 106A, Block 106B, Block 106C, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215, Block 216, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524; Tract 0115.02: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 103C, Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307, Block 308A, Block 308B, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505A, Block 505B, Block 506, Block 507, Block 508, Block 509A, Block 509B, Block 510, Block 511, Block 512A, Block 512B, Block 513, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618; Tract 0116: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 108, Block 109; Block Group 2: Block 296; Tract 0118: Block Group 1: Block 114, Block 115, Block 116; Tract 0119: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 103C, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119A, Block 119B, Block 120A, Block 120B, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 206, Block 207, Block 208A, Block 208B, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302A, Block 302B, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 306C, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 409, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 484, Block 497A; Tract 0120.

District 9: Adams, Asotin: Tract 9802: Block Group 4: Block 401, Block 402, Block 419, Block 424, Block 497; Tract 9803: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 102C, Block 102D, Block 103A, Block 103B, Block 103C, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318,

Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426A, Block 426B, Block 426C, Block 426D, Block 426E, Block 427, Block 428; Tract 9804: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 106D, Block 107A, Block 107B, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Tract 9805: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 410C, Block 410D; Tract 9806: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 101E, Block 101F, Block 101G, Block 101H, Block 101J, Block 101K, Block 102, Block 103, Block 104, Block 105A, Block 105B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Spokane: Tract 0104.01: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 9: Block 901, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909A, Block 909B, Block 910, Block 911, Block 912, Block 913; Tract 0104.02: Block Group 3: Block 367, Block 368; Tract 0123: Block Group 3: Block 304; Tract 0133, Tract 0134.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 9: Block 901, Block 902, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921B, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 929, Block 930, Block 932B, Block 933, Block 934, Block 935, Block 936, Block 937; Tract 0135: Block Group 1: Block 101, Block 102, Block 103, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114A, Block 114B, Block 115, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140; Block Group 2: Block 201B, Block 202B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 304, Block 305, Block 306, Block 308, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370; Tract 0136: Block Group 1: Block 109B, Block 111, Block 127, Block 145, Block 146; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219, Block 220, Block 221, Block 222, Block 223, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 242, Block 243, Block 244; Block Group 9: Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920; Tract 0137: Block Group 5: Block 501, Block 502; Block Group 6: Block 602, Block 603, Block 604,

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Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907; Tract 0138: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107; Tract 0139: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124A, Block 124B, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149A, Block 149B, Block 149C, Block 149D, Block 150, Block 151, Block 152; Block Group 2: Block 201, Block 202A, Block 202B, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 414, Block 415, Block 416, Block 417, Block 418A, Block 418B, Block 418C, Block 419, Block 420, Block 421, Block 422A, Block 422B, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431A, Block 431B, Block 432; Tract 0140.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Tract 0140.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block

417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426A, Block 426B, Block 427; Block Group 5: Block 501, Block 502, Block 503A, Block 503B; Block Group 6: Block 601A, Block 601B, Block 602, Block 603A, Block 603B, Block 604A, Block 604B, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613A, Block 613B, Block 613C, Block 614, Block 615A, Block 615B, Block 616, Block 617A, Block 617B, Block 618; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707A, Block 707B, Block 708, Block 709A, Block 709B, Block 710A, Block 710B, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716; Tract 0141: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 107A, Block 107B, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242; Block Group 3: Block 301, Block 302A, Block 302B, Block 303, Block 304A, Block 304B, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 316, Block 335, Block 336, Block 337, Block 338, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 351, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 385, Block 386; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402B, Block 403, Block 404A, Block 404B, Block 429A, Block 429B, Block 429C, Block 432A, Block 432B, Block 437, Block 438A, Block 438B, Block 438C, Block 439, Block 440, Block 441; Tract 0142, Tract 0143; Whitman.

District 10: Island, Skagit: Tract 9502: Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341; Tract 9508: Block Group 3: Block 334, Block 336; Tract 9512: Block Group 2: Block 236, Block 281, Block 282, Block 284; Tract 9516: Block Group 2: Block 202, Block 203, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325C, Block 325D, Block 326A, Block 326B, Block 329, Block 330, Block 337B, Block 338B, Block 339, Block 340, Block 341B, Block 342; Tract 9518: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104D, Block 130, Block 131A, Block 131B, Block 131C, Block 132A, Block 132B, Block 133, Block 134A, Block 134B, Block 135, Block 136; Block Group 2: Block 223, Block 224A, Block 224B, Block 225A, Block 225B, Block 226A, Block 226B, Block 235A, Block 235B, Block 236, Block 237A, Block 237B, Block 238A, Block 238B, Block 238C, Block 239A, Block 239B, Block 240, Block 247B, Block 248; Tract 9519: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242; Tract 9520, Tract

9521, Tract 9522: Block Group 1: Block 104A, Block 104B, Block 104C, Block 105A, Block 105B, Block 106; Tract 9524: Block Group 1: Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Tract 9525: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420; Tract 9526: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 104C, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317A, Block 317B, Block 317C, Block 317D, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324; Block Group 4: Block 401C, Block 421, Block 422, Block 423, Block 424B; Tract 9527: Block Group 1: Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107B, Block 108B, Block 109B, Block 110B, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153; 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Snohomish: Tract 0530.98: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440; Block Group 5: Block 501, Block 502, Block 503A, Block 503B, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Block

Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637A, Block 637B, Block 638, Block 639, Block 640, Block 641; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913; Tract 0531: Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Tract 0532: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341; Block Group 4: Block 401A, Block 401B, Block 401C, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Tract 0533: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245A, Block 245B, Block 245C, Block 245D, Block 246A, Block 246B, Block 246C, Block 247A, Block 247B, Block 248, Block 249A, Block 249B, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320A, Block 320B, Block 321, Block 322, Block 323, Block 324A, Block 324B, Block 324C, Block 324D, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338A, Block 338B, Block 339, Block 340A, Block 340B, Block 340C, Block 341, Block 342, Block 343; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429A, Block 429B, Block 430A, Block 430B, Block 431, Block 432, Block 433A, Block 433B, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508A, Block 508B, Block 509, Block 510A, Block 510B, Block 511A, Block 511B, Block 512A, Block 512B, Block 513A, Block 513B, Block 514A, Block 514B, Block 514C, Block 514D, Block 514E, Block 515A, Block 515B, Block 515C, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522A, Block 522B, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block

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Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Tract 0114: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 319, Block 320; 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Tract 0252: Block Group 1: Block 104; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 213; Tract 0253: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216, Block 217, Block 220, Block 232; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 315, Block 316, Block 319, Block 320, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 422, Block 427, Block 428, Block 429, Block 430, Block 431; 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Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 414, Block 415, Block 416A, Block 416B, Block 416C; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 512, Block 514, Block 515, Block 516; Tract 0262: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 204, Block 205, Block 206, Block 207; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 424, Block 425; Tract 0263: Block Group 1: Block 102, Block 104, Block 105, Block 106, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 317, Block 318; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904A, Block 904B, Block 904C, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917; Tract 0264: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 110; Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 402B, Block 402C, Block 409, Block 410, Block 411, Block 413; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 508, Block 512, Block 514, Block 515, Block 516; Tract 0265: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104A, Block 104B, Block 104C, Block 105, Block 106, Block 107, Block 109; 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Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934, Block 935, Block 936, Block 937, Block 938, Block 939, Block 940, Block 941, Block 942, Block 943, Block 944, Block 945; Tract 0018: Block Group 1: Block 101, Block 102, Block 103, Block 156; Tract 0021: Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 807, Block 808, Block 809, Block 820; Tract 0022: Block Group 6: Block 601; Tract 0027: Block Group 5: Block 516; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834; Tract 0028: Block Group 1: Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 214, Block 215, Block 216, Block 226, Block 228, Block 229, Block 230, Block 231, Block 232; Block Group 3: Block 314, Block 330; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415,

Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Tract 0029: Block Group 1: Block 102; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323A, Block 323B, Block 323C, Block 324; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650, Block 651, Block 652, Block 653, Block 654, Block 655, Block 656, Block 657, Block 658, Block 659, Block 660, Block 661, Block 662, Block 663, Block 664, Block 665, Block 666; Block Group 7: Block 701, Block 702A, Block 702B, Block 703, Block 704, Block 705A, Block 705B, Block 705C, Block 705D, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712A, Block 712B, Block 713, Block 714, Block 715, Block 716A, Block 716B, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737A, Block 737B, Block 738A, Block 738B, Block 739, Block 740, Block 741, Block 742, Block 743, Block 744, Block 745, Block 746A, Block 746B, Block 746C, Block 746D, Block 747A, Block 747B, Block 748A, Block 748B; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830; Tract 0030: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244,

Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395, Block 396, Block 397; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Block Group 5: Block 501A, Block 501B, Block 501C, Block 501D, Block 502, Block 503A, Block 503B, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511A, Block 511B, Block 512, Block 513, Block 514A, Block 514B, Block 515, Block 516A, Block 516B, Block 517A, Block 517B, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529A, Block 529B, Block 530, Block 531A, Block 531B, Block 531C, Block 531D, Block 531E, Block 532, Block 533A, Block 533B, Block 534A, Block 534B, Block 534C, Block 534D, Block 534E, Block 535, Block 536, Block 537A, Block 537B, Block 538, Block 539; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 630, Block 631, Block 632, Block 633; Block Group 7: Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851, Block 852, Block 853, Block 854, Block 855, Block 856, Block 857, Block 858, Block 859, Block 860, Block 861, Block 862, Block 863, Block 864, Block 865, Block 866, Block 867, Block 868, Block 869; Tract 0031: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 225, Block 226; Block Group 5: Block 501, Block 502, Block 505, Block 506, Block 507, Block 508, Block 515, Block 516, Block 519, Block 520.

District 14: Yakima: Tract 0001, Tract 0002, Tract 0003, Tract 0004, Tract 0005, Tract 0006, Tract 0007, Tract 0008, Tract 0009, Tract 0010, Tract 0011: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 206A, Block 206B, Block 207, Block 208A, Block 208B, Block 209A, Block 209B, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229A, Block 229B, Block 229C, Block 230A, Block 230B, Block 230C, Block 231A, Block 231B, Block 232A, Block 232B, Block 232C, Block 233; Block Group 3: Block 301, Block 302, Block 303A, Block 303B, Block 303C, Block 304A, Block 304B, Block 305,

Block 306, Block 307A, Block 307B, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 314C, Block 315A, Block 315B; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412A, Block 412B, Block 413, Block 414, Block 415; Tract 0012: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 411, Block 412; Block Group 5: Block 501A, Block 501B, Block 501C, Block 502, Block 503, Block 504A, Block 504B, Block 505A, Block 505B, Block 506A, Block 506B, Block 507A, Block 507B, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513A, Block 513B, Block 514, Block 515A, Block 515B, Block 515C, Block 515D, Block 516A, Block 516B, Block 516C, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525; Block Group 6: Block 601A, Block 601B, Block 601C, Block 601D, Block 602A, Block 602B, Block 602C, Block 602D, Block 603A, Block 603B, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610A, Block 610B, Block 612A, Block 612B, Block 613, Block 614, Block 615, Block 616, Block 619; Tract 0013: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 101E, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 220, Block 221, Block 222, Block 223A, Block 223B, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229A, Block 229B, Block 230; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304A, Block 304B, Block 305, Block 306A, Block 306B; Tract 0014: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115A, Block 115B, Block 115C, Block 116, Block 117, Block 118, Block 119A, Block 119B, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223A, Block 223B, Block 224, Block 225, Block 226; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 316, Block 317, Block 318, Block 319, Block 320, Block 322, Block 323, Block 324, Block 325, Block 326; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501A, Block 501B, Block 502A, Block 502B, Block 502C, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Tract 0015: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224A, Block 224B, Block 224C, Block 225, Block 226, Block 227, Block 228, Block 229; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block

408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414A, Block 414B, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 425A, Block 425B, Block 425C, Block 426, Block 427, Block 428A, Block 428B, Block 429; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 517, Block 518, Block 519, Block 520, Block 521, Block 524, Block 525; Tract 0016: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329; Block Group 4: Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428A, Block 428B, Block 429, Block 430, Block 431A, Block 431B, Block 431C, Block 432, Block 433A, Block 433B, Block 433C, Block 434, Block 435; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525A, Block 525B, Block 526A, Block 526B, Block 526C, Block 527A, Block 527B, Block 528A, Block 528B, Block 529, Block 530; Tract 0017: Block Group 3: Block 316; Block Group 4: Block 406, Block 407, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505A, Block 505B, Block 507, Block 508, Block 509A, Block 509B, Block 509C, Block 509D, Block 509E, Block 509F, Block 509G; Tract 0027: Block Group 7: Block 701, Block 726, Block 727; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913; Tract 0028: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 227, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329; Block Group 5: Block 536, Block 537, Block 538; Tract 0029: Block Group 1: Block 101, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Tract 0030: Block Group 6: Block 625, Block 626, Block 627, Block 628, Block 629; Block Group 7: Block 701, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719; Tract 0031: Block Group 2: Block 217, Block 218, Block 219A, Block 219B, Block 220A, Block 220B, Block 220C, Block 221, Block 222, Block 223A, Block 223B, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324A, Block 324B, Block 324C, Block 325, Block 326, Block 327, Block 328A, Block 328B, Block 329, Block 330, Block 331, Block 332A, Block 332B, Block 333, Block 334, Block 335, Block 336; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437A, Block 437B, Block 438, Block 439A, Block 439B, Block 440A, Block 440B, Block 441, Block 450, Block 451, Block 452; Block Group 5: Block 503, Block 504, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 517, Block 518; Tract 0032: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104, Block 105A, Block 105B, Block 106A, Block 106B, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216A, Block

216B, Block 217, Block 218, Block 219; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328A, Block 328B, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334A, Block 334B, Block 335A, Block 335B, Block 336, Block 337, Block 338, Block 339.

District 15: Benton: Tract 0108.01: Block Group 4: Block 443, Block 444; Block Group 5: Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549; Tract 0108.02: Block Group 6: Block 628, Block 629B, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635; Tract 0115.02: Block Group 3: Block 309, Block 310, Block 311; Tract 0116: Block Group 1: Block 106, Block 107, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 297; Tract 0117: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 114A, Block 114B, Block 115A, Block 115B, Block 115C, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126A, Block 126B, Block 126C, Block 127A, Block 127B, Block 128A, Block 128B, Block 129A, Block 129B, Block 130A, Block 130B, Block 131A, Block 131B, Block 132A, Block 132B, Block 132C, Block 133A, Block 133B, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141A, Block 141B, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148A, Block 148B, Block 149A, Block 149B, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173A, Block 173B, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181A, Block 181B, Block 182, Block 183; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 210A, Block 210B, Block 211, Block 212, Block 213A, Block 213B, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221A, Block 221B, Block 222A, Block 222B, Block 223A, Block 223B, Block 224, Block 225A, Block 225B, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231A, Block 231B, Block 232A, Block 232B, Block 232C, Block 233A, Block 233B, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243,

Block 244, Block 245, Block 246A, Block 246B, Block 247A, Block 247B, Block 248, Block 249; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432A, Block 432B, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513A, Block 513B, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529A, Block 529B, Block 529C, Block 530, Block 531, Block 532A, Block 532B, Block 532C, Block 533, Block 534, Block 535, Block 536, Block 537A, Block 537B; Tract 0118: Block Group 1: Block 190, Block 191, Block 192; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395, Block 396, Block 397; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471A, Block 471B, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478; Tract 0119: Block Group 4: Block 485, Block 494, Block 497B; Klickitat, Skamania: Tract 9504: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 178, Block 179, Block 180, Block

181, Block 182, Block 183, Block 184; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Tract 9505: Block Group 1: Block 154, Block 157; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 249, Block 250; Yakima: Tract 0017: Block Group 3: Block 304, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 314, Block 318, Block 319, Block 321, Block 322, Block 323, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335; Block Group 5: Block 506; Block Group 7: Block 739, Block 740, Block 753, Block 754, Block 755, Block 757, Block 758, Block 787, Block 788; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851, Block 852, Block 853, Block 854, Block 855, Block 856, Block 857, Block 858, Block 859, Block 860; Tract 0018: Block Group 1: Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184A, Block 184B, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 212C, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356A, Block 356B, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364A, Block 364B, Block 365A, Block 365B, Block 366A, Block 366B, Block 366C, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376A, Block 376B, Block 377A, Block 377B, Block 377C, Block 378A, Block 378B, Block 379A, Block 379B, Block 380,

Block 381, Block 382, Block 383A, Block 383B, Block 384, Block 385, Block 386, Block 387, Block 388; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405A, Block 405B, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532A, Block 532B, Block 533, Block 534A, Block 534B, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555, Block 556; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626A, Block 626B, Block 627, Block 628; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724A, Block 724B, Block 725, Block 726, Block 727, Block 728, Block 729; Tract 0019: Block Group I: Block 101, Block 102A, Block 102B, Block 102C, Block 102D, Block 103, Block 104A, Block 104B, Block 104C, Block 105A, Block 105B, Block 106A, Block 106B, Block 107A, Block 107B, Block 108, Block 109A, Block 109B, Block 109C, Block 110A, Block 110B, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129A, Block 129B, Block 129C, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204A, Block 204B, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B, Block 210C, Block 210D, Block 211, Block 212, Block 213A, Block 213B, Block 214A, Block 214B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346A, Block 346B, Block 347, Block 348, Block 349, Block 350A, Block 350B, Block 351, Block 352A, Block 352B, Block 353, Block 354, Block 355; Block Group 4: Block 401, Block 402A, Block 402B, Block 402C, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422A, Block 422B, Block 423, Block 424, Block 425, Block 426A, Block 426B, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Tract 0020.01: Block Group 1: Block 101A, Block 101B, Block 102, Block 103A, Block 103B, Block 104A, Block 104B, Block 104C, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117A, Block 117B, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233A, Block 233B, Block 234A, Block 234B; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335A, Block 335B, Block 336A, Block 336B, Block 337; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406,

Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Tract 0020.02: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 4: Block 401, Block 402A, Block 402B, Block 402C, Block 402D, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414A, Block 414B, Block 415, Block 416, Block 417, Block 418A, Block 418B, Block 419; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517A, Block 517B, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544A, Block 544B, Block 545; Block Group 6: Block 601, Block 602, Block 603, Block 604A, Block 604B, Block 604C, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619A, Block 619B, Block 620A, Block 620B, Block 621, Block 622, Block 623A, Block 623B, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636A, Block 636B; Tract 0021: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 101E, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 111B, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150A, Block 150B, Block 151, Block 152, Block 153, Block 154, Block 155A, Block 155B, Block 156; Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 203A, Block 203B, Block 204A, Block 204B, Block 205A, Block 205B, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216A, Block 216B, Block 216C, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460A, Block 460B, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468A, Block 468B, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626A, Block 626B, Block 627, Block 628, Block 629A, Block 629B, Block 629C, Block 629D, Block 629E, Block 630, Block 631A, Block 631B, Block 632, Block 633; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block

722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block 739, Block 740, Block 741, Block 742, Block 743, Block 744, Block 745, Block 746, Block 747, Block 748, Block 749, Block 750, Block 751, Block 752, Block 753, Block 754, Block 755, Block 756, Block 757, Block 758, Block 759, Block 760, Block 761, Block 762, Block 763, Block 764, Block 765, Block 766, Block 767, Block 768, Block 769, Block 770, Block 771, Block 772, Block 773, Block 774, Block 775, Block 776, Block 777, Block 778, Block 779, Block 780; Block Group 8: Block 805, Block 806, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851, Block 852, Block 853, Block 854, Block 855, Block 856, Block 857, Block 858, Block 859, Block 860, Block 861, Block 862, Block 863, Block 864, Block 865, Block 866, Block 867, Block 868, Block 869, Block 870, Block 871, Block 872, Block 873, Block 874, Block 875, Block 876, Block 877, Block 878, Block 879, Block 880, Block 881, Block 882, Block 883, Block 884, Block 885, Block 886, Block 887, Block 888, Block 889, Block 890, Block 891, Block 892, Block 893, Block 894, Block 895, Block 896, Block 897; Tract 0022: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 105C, Block 106A, Block 106B, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 205A, Block 205B, Block 205C, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221A, Block 221B, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228A, Block 228B, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234A, Block 234B, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251A, Block 251B, Block 252A, Block 252B, Block 253, Block 254, Block 255A, Block 255B, Block 256A, Block 256B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411A, Block 411B, Block 412A, Block 412B, Block 413A, Block 413B, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542; Block Group 6: Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650, Block 651, Block 652; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715A, Block 715B, Block 716, Block 717, Block 718A, Block 718B, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851, Block 852, Block 853, Block 854, Block 855, Block 856, Block 857, Block 858, Block 859, Block 860, Block 861, Block 862, Block 863, Block 864, Block 865, Block 866,

Block 867, Block 868, Block 869, Block 870, Block 871, Block 872, Block 873, Block 874, Block 875; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934, Block 935, Block 936, Block 937, Block 938, Block 939, Block 940, Block 941, Block 942, Block 943, Block 944, Block 945, Block 946, Block 947, Block 948, Block 949, Block 950, Block 951, Block 952, Block 953, Block 954, Block 955, Block 956, Block 957, Block 958, Block 959, Block 960, Block 961, Block 962; Tract 0023, Tract 0024, Tract 0025, Tract 0026, Tract 0027: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 106D, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; 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Block Group 5: Block 501A, Block 501B, Block 501C, Block 501D, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 507C, Block 507D, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 517, Block 518A, Block 518B, Block 519, Block 520, Block 521, Block 522, Block

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District 16: Asotin: Tract 9801, Tract 9802: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302; Block Group 4: Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 420, Block 421, Block 422, Block 423, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487, Block 488, Block 489, Block 490, Block 491, Block 492, Block 493, Block 494, Block 495, Block 496; Tract 9804: Block Group 2: Block 203, Block 204, Block 205; Tract 9806: Block Group 2: Block 215, Block 217, Block 218, Block 219; Block Group 3: Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Columbia, Franklin, Garfield, Walla Walla.

District 17: Clark: Tract 0401: Block Group 3: Block 358, Block 393; Tract 0404.01: Block Group 2: Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403; Tract 0404.02: Block Group 4: Block 401B; Block Group 5: Block 501, Block 502, Block 504, Block 509, Block 510, Block 511, Block

516, Block 519, Block 520, Block 521, Block 522; Tract 0405.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 130, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195; Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232; 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Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 5: Block 501, Block 502, Block 503, Block 504; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606; Block Group 7: Block 701, Block 702, Block 703, Block 704; Tract 0407.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Tract 0407.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; 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Block Group 4: Block 401A, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418A, Block 418B, Block 418C, Block 418D, Block 419, Block 420A, Block 420B, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428A, Block 428B, Block 428C, Block 428D, Block 429, Block 430, Block 431, Block 432; Block Group 5: Block 503, Block 505, Block 506, Block 507, Block 508, Block 512A, Block 512B, Block 513, Block 514, Block 515, Block 517, Block 518, Block 523, Block 524; Tract 0405.01: Block Group 1: Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 131, Block 132, Block 133, Block 196, Block 197; Block Group 2: Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 313, Block 315; Tract 0409.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 120, Block 121, Block 122, Block 125, Block 126; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251; Tract 0409.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402,

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Tract 0008: Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508; Block Group 6: Block 601A, Block 601B, Block 602B, Block 604B, Block 605, Block 606, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 703; Tract 0009: Block Group 4: Block 410, Block 411, Block 413; Tract 0010: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337; Tract 0011: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; 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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Tract 0006.02: Block Group 1: Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302A, Block 302B, Block 302C, Block 302D, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Tract 0007.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 206A, Block 206B, Block 207, Block 208, Block 209A, Block 209B, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303A, Block 303B, Block 304, Block 305, Block 306, Block 307, Block 308A, Block 308B, Block 308C, Block 309A, Block 309B, Block 309C, Block 309D, Block 310, Block 311, Block 312A, Block 312B; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406, Block 407A, Block 407B, Block 408, Block 409, Block 410A, Block 410B, Block 410C, Block 410D; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506A, Block 506B, Block 507, Block 508, Block 509; Tract 0007.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505; Tract 0008: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 206C, Block 207, Block 208A, Block 208B, Block 209A, Block 209B, Block 210, Block 211A, Block 211B; Block Group 3: Block 301A, Block 301B, Block 301C, Block 301D, Block 302, Block 303A, Block 303B, Block 303C, Block 304; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404; Block Group 6: Block 602A, Block 603, Block 604A, Block 607; Block Group 7: Block 704, Block 705; Tract 0009: Block Group 1: Block 101, Block 102A, Block 102B, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 303; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 412, Block 414, Block 415; 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Tract 0008: Block Group 1: Block 113, Block 114, Block 122, Block 123, Block 124, Block 125, Block 126; Block Group 2: Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 212; Block Group 3: Block 301A, Block 301B, Block 303, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 315, Block 316A, Block 316B, Block 317, Block 318A, Block 318B, Block 318C, Block 318D, Block 319A, Block 319B, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330A, Block 330B, Block 331, Block 332, Block 333, Block 334A, Block 334B, Block 335, Block 336A, Block 336B, Block 336C, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343A, Block 343B, Block 344A, Block 344B, Block 345, Block 346, Block 347, Block 348A, Block 348B, Block 349A, Block 349B, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356; Block Group 4: Block 408A, Block 409, Block 410B, Block 410C, Block 422A, Block 423A, Block 424A; Tract 0009: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 114, Block 115A, Block 115B, Block 116A, Block 116B, Block 117A, Block 117B, Block 118, Block 119A, Block 119C; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A,

Block 406B, Block 406C, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429A, Block 429B, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437A, Block 437B, Block 438, Block 439; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511A, Block 511B, Block 512, Block 513, Block 514, Block 515, Block 516A, Block 516B, Block 516C, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525A, Block 525B, Block 525C, Block 525D, Block 525E, Block 525F, Block 526A, Block 526B, Block 526C, Block 527, Block 528, Block 529A, Block 529B, Block 529C, Block 529D, Block 530, Block 531A, Block 531B, Block 532A, Block 532B, Block 532C, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542A, Block 542B, Block 543, Block 544; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650, Block 651, Block 652A, Block 652B, Block 653, Block 654, Block 655, Block 656, Block 657, Block 658; Tract 0010: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139; Block Group 2: Block 201A, Block 203A, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537; Tract 0011: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501A, Block 502A, Block 502B, Block 503, Block 504A, Block 504B, Block 505A, Block 505B, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Tract 0012: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block

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Block Group 3: Block 301, Block 302, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 365, Block 367, Block 369, Block 389, Block 390, Block 392, Block 393A, Block 393B, Block 394, Block 395A, Block 396, Block 397; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418A, Block 419, Block 420, Block 424, Block 425; Tract 9718: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 383, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 395, Block 396, Block 397; 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Block Group 4: Block 401, Block 402, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449A, Block 449B, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474A, Block 474B, Block 475A, Block 475B, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487, Block 488, Block 489, Block 490, Block 491, Block 492, Block 493, Block 494, Block 495, Block 496, Block 497; Tract 0702.01: Block Group 4: Block 401, Block 402A, Block 403A, Block 405; Tract 0702.02: Block Group 4: Block 433, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451B; Block Group 7: Block 701A, Block 701B, Block 702, Block 703A, Block 703B, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710A, Block 710B, Block 711A, Block 711B, Block 712A, Block 712B, Block 712C, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721C, Block 722, Block 723C, Block 724, Block 725, Block 726, Block 727D; Tract 0704: Block Group 3: Block 328; Tract 0730.02: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378A, Block 378B, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395, Block 396, Block 397; Tract 0731.06: Block Group 3: Block 302; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483; Tract 0732; Thurston: Tract 0108: Block Group 3: Block 317; Block Group 5: Block 501, Block 502A, Block 502B, Block 505, Block 507, Block 508, Block 509, Block 510, Block 511A, Block 511B, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519A, Block 519B, Block 520A, Block 520B, Block 521A, Block 521B, Block 521C, Block 522A, Block 522B, Block 523; Tract 0109: Block Group 2: Block 201, Block 202A, Block 202B, Block 202C, Block 202D, Block 202F, Block 203, Block 211A, Block 211B, Block 212A, Block 212B, Block 218A, Block 218B, Block 218C; Tract 0116.10: Block Group 5: Block 501, Block 502, Block 503; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block

605, Block 606, Block 607, Block 608; Tract 0116.20: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308B, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423; Tract 0117: Block Group 4: Block 402, Block 403, Block 404, Block 405; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521; Tract 0118: Block Group 1: Block 175, Block 176, Block 177; Block Group 3: Block 301A; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650; Block Group 7: Block 731, Block 743, Block 744, Block 745, Block 746; Block Group 8: Block 851; Tract 0123: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Block Group 6: Block 601, Block 602A, Block 602B, Block 602C, Block 603, Block 604, Block 605, Block 606A, Block 606B, Block 607, Block 608, Block 609A, Block 609B, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620; Tract 0124: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 413C, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443A, Block 443B, Block 444A, Block 444B, Block 445A, Block 445B, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455A, Block 455B, Block 456, Block 457A, Block 457B, Block 458A, Block 458B, Block 459A, Block 459B, Block 460, Block 461, Block 462, Block 463, Block 464; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506A, Block 506B, Block 507A, Block 507B, Block 508, Block 509A, Block 509B, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515A, Block 515B, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525A, Block 525B, Block 526, Block 527A, Block 527B, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536A, Block 536B, Block 537A, Block 537B, Block 537C, Block 537D, Block 538, Block 539, Block 540A, Block 540B, Block 541A, Block 541B, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558, Block 559, Block 560, Block 561, Block 562, Block 563, Block 564, Block 565, Block 566, Block 567; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613A, Block 613B, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630,

Block 631; Block Group 7: Block 701, Block 702, Block 703A, Block 703B, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715A, Block 715B, Block 716, Block 717A, Block 717B, Block 718A, Block 718B, Block 718C, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728A, Block 728B; Tract 0124.02: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Tract 0125, Tract 0126, Tract 0127.

District 21: Snohomish: Tract 0413: Block Group 1: Block 109C, Block 109D, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 3: Block 301B, Block 302, Block 303, Block 304, Block 307, Block 308, Block 310, Block 311, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 620; Block Group 8: Block 801B, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 818, Block 820, Block 827, Block 829, Block 832; Tract 0419.01: Block Group 9: Block 901C, Block 901D, Block 902, Block 903, Block 904; Tract 0420.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Tract 0420.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 107, Block 108, Block 109; Block Group 2: Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402; Tract 0420.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Tract 0420.04: Block Group 1: Block 103, Block 104, Block 105, Block 106, Block 107; Tract 0501: Block Group 1: Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Tract 0502: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 4: Block 401A, Block 401B, Block 402, Block 408; Block Group 5: Block 501, Block 502A, Block 502B, Block 502C, Block 503A, Block 503B, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510A, Block 510B, Block 511, Block 512A, Block 512B; Tract 0503, Tract 0504.01, Tract 0504.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 118, Block 119, Block 120, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 214, Block 215, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304A, Block 304B, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 313, Block 314, Block 321; Tract 0505, Tract 0506, Tract 0507: Block Group 1: Block 101, Block 102A, Block 102B, Block 103A, Block 103B, Block 104, Block 107A, Block 107B, Block 108, Block 109, Block 111, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301A, Block 301B, Block 302, Block 303A, Block 303B, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312A, Block 312B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407A, Block 407B, Block 408; Tract 0508: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 405, Block 406A, Block 406B, Block 406C, Block 407, Block 409A, Block 409B, Block 410A, Block 410B, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 510, Block 511, Block 512, Block 513, Block 516; Tract 0509: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A,

Block 105B, Block 106A, Block 106B, Block 107, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 311; Tract 0510: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 113, Block 114, Block 121, Block 123A, Block 123B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302A, Block 302B, Block 303A, Block 303B, Block 303C, Block 304A, Block 304B, Block 304C, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 309C, Block 310, Block 311, Block 312, Block 313; Block Group 5: Block 501A, Block 501B, Block 502A, Block 502B, Block 503, Block 508A, Block 508B; Tract 0513: Block Group 1: Block 101A; Tract 0514: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109A, Block 109B, Block 110, Block 120, Block 121, Block 122; Block Group 2: Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 319, Block 322, Block 324; Block Group 4: Block 411, Block 412, Block 413, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 516, Block 519, Block 521, Block 522; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605A, Block 605B; Tract 0515: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 210; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305A, Block 305B, Block 305C, Block 306A, Block 306B, Block 307A, Block 307B, Block 308, Block 309; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 408, Block 409, Block 413, Block 415, Block 416; Block Group 5: Block 506, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Tract 0516: Block Group 1: Block 102A, Block 103A, Block 103B, Block 104, Block 105A, Block 105B, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312A, Block 312B, Block 313; Block Group 4: Block 401A, Block 401B, Block 402, Block 403A, Block 403B, Block 403C, Block 403D, Block 404A, Block 404B, Block 405; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505A, Block 505B, Block 506, Block 507A, Block 507B, Block 507C, Block 508, Block 509A, Block 509B, Block 509C, Block 510, Block 511, Block 512, Block 513, Block 514, Block 517, Block 522, Block 525, Block 526; Tract 0517: Block Group 1: Block 101, Block 102A, Block 102B, Block 102C, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 501B, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507; Tract 0518.02: Block Group 1: Block 103, Block 104A, Block 104B, Block 105B; Block Group 3: Block 302A, Block 302B, Block 305A, Block 306A, Block 308A, Block 308B, Block 309A, Block 310A, Block 310B, Block 311A, Block 311B, Block 312, Block 313, Block 314; Tract 0519.05: Block Group 1: Block 103A, Block 103B; Block Group 2: Block 204B, Block 205A, Block 205B, Block 206; Block Group 4: Block 401, Block 402A, Block 402B, Block 402C, Block 403A, Block 403B, Block 404A, Block 404B, Block 404C, Block 405A, Block 406, Block 407, Block 408A, Block 408C.

District 22: Thurston: Tract 0101, Tract 0102: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104A, Block 104B, Block 106, Block 108, Block 109, Block 110, Block 131, Block 142, Block 143; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248,

Block 249, Block 250A, Block 250B, Block 250C, Block 251A, Block 251B, Block 252, Block 253, Block 254, Block 255, Block 256; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 302C, Block 302D, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 307C, Block 307D, Block 307E, Block 308, Block 309, Block 310; Tract 0103: Block Group 1: Block 101, Block 102, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 338A, Block 338B, Block 339A, Block 339B, Block 340A, Block 340B, Block 341, Block 350, Block 351, Block 352; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 414A, Block 414B, Block 415A, Block 415B, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505A, Block 505B, Block 505C, Block 506A, Block 506B, Block 507A, Block 507B, Block 508A, Block 508B, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521A, Block 521B, Block 521C, Block 522A, Block 522B, Block 522C, Block 523, Block 524; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628; Tract 0104: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125A, Block 125B, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302A, Block 302B, Block 302C, Block 303A, Block 303B, Block 303C, Block 303D, Block 303E, Block 303F, Block 303G, Block 303H, Block 304A, Block 304B, Block 304C, Block 304D, Block 305, Block 311A, Block 311B, Block 315A, Block 315B, Block 315C, Block 316A, Block 316B, Block 316C, Block 316D, Block 317A, Block 317B, Block 317C, Block 351, Block 352A, Block 352B, Block 352C; Tract 0105: Block Group 1: Block 115, Block 116, Block 117A, Block 117B, Block 117C, Block 118A, Block 118B, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404; Block Group 5: Block 501A, Block 501B, Block 501C, Block 502A, Block 502B, Block 503, Block 504; Tract 0106, Tract 0107: Block Group 1: Block 110, Block 113, Block 114, Block 122, Block 123; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204A, Block 204B, Block 204C, Block 205A, Block 205B, Block 206A, Block 206B, Block 206C, Block 207A, Block 207B, Block 208, Block 209A, Block 209B, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Tract 0108: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 102, Block 103, Block 104, Block 120, Block 123, Block 124, Block 152; Block Group 2: Block 201, Block 202A, Block 202B, Block 202C, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block

408, Block 409, Block 410; Block Group 5: Block 503, Block 504, Block 506; Tract 0109: Block Group 3: Block 301A, Block 301B, Block 301C, Block 302A, Block 302B, Block 303A, Block 303B, Block 304A, Block 304B, Block 305, Block 306A, Block 306B, Block 307A, Block 307B, Block 308A, Block 308B, Block 308C, Block 308D, Block 308E, Block 309, Block 310A, Block 310B, Block 310C; Block Group 4: Block 401A, Block 401B, Block 401C, Block 402A, Block 402B, Block 402C, Block 403A, Block 403B, Block 403C, Block 404A, Block 404B, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525A, Block 525B, Block 525C, Block 525D, Block 526, Block 527; Block Group 6: Block 601, Block 602A, Block 602B, Block 603, Block 604A, Block 604B, Block 604C, Block 604D, Block 605A, Block 605B, Block 605C, Block 605D, Block 606; Block Group 7: Block 701, Block 702A, Block 702B, Block 702C, Block 702D, Block 703A, Block 703B, Block 704, Block 705; Tract 0110: Block Group 1: Block 101A, Block 101B, Block 102, Block 104, Block 105, Block 107A, Block 107B, Block 107C, Block 108A, Block 108B, Block 108C; Tract 0111: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107A, Block 107B, Block 108A, Block 108B, Block 109, Block 110A, Block 110B, Block 110C, Block 111; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205A, Block 205B, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B; Tract 0112: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405A, Block 405B, Block 405C, Block 405D, Block 406, Block 407A, Block 407B, Block 408, Block 409, Block 410, Block 411, Block 412; Tract 0113, Tract 0114: Block Group 1: Block 101, Block 102, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608A, Block 608B, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614; Block Group 7: Block 701, Block 702A, Block 702B, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718A, Block 718B; Tract 0115: Block Group 1: Block 101, Block 102, Block 103, Block 112, Block 113; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Tract 0116.10: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 306C, Block 307A, Block 307B, Block 307C; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 405, Block 406, Block 407, Block 408; Tract 0116.20: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 308A; Tract 0117: Block Group 1:

Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 4: Block 401; Tract 0120: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519; Tract 0121: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 405A, Block 405B, Block 406, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 411; Tract 0122.10: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 405, Block 406, Block 407, Block 408, Block 409A, Block 409B, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605; Tract 0122.20: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301; Block Group 4: Block 401, Block 402, Block 403, Block 404; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505; Block Group 6: Block 601A, Block 601B, Block 602A, Block 602B, Block 602C, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709; Tract 0123: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215.

District 23: Kitsap: Tract 0801.01: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103A, Block 103B, Block 103C, Block 104A, Block 104B, Block 105, Block 106, Block 107; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209; Tract 0801.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Tract 0802: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116A, Block 116B, Block 116C; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301A, Block 301B, Block 301C, Block 301D, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308, Block 309, Block 311; Tract 0803: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107,

Block 108, Block 111, Block 113, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Tract 0804: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 117, Block 118, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 142, Block 143; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 304A, Block 304B, Block 304C, Block 305A, Block 305B, Block 305C, Block 305D, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406; Tract 0901.01, Tract 0901.02, Tract 0902, Tract 0903, Tract 0903.99, Tract 0904, Tract 0905, Tract 0906.01, Tract 0906.02, Tract 0907, Tract 0908, Tract 0909, Tract 0910, Tract 0911, Tract 0912.01: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 304, Block 305, Block 306, Block 312, Block 313; Tract 0912.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Tract 0913: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126; Block Group 2: Block 201, Block 224, Block 225; Block Group 4: Block 401; Tract 0915: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Tract 0916: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 218, Block 219; Tract 0917: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312; Tract 0918: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Tract 0919: Block Group 1: Block 101, Block 103, Block 104, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228.

District 24: Clallam, Grays Harbor: Tract 0001, Tract 0002, Tract 0003, Tract 0004: Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 546B, Block 549D, Block 551, Block 552A, Block 552B, Block 552C, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558A, Block 558B, Block 558C, Block 558D, Block 559, Block 560, Block 561, Block 562, Block 563, Block 567, Block 568, Block 569, Block 570, Block 571, Block 572, Block 573, Block 574, Block 585, Block 586, Block 587, Block 588, Block 589, Block 590, Block 591, Block 592, Block 593, Block 594, Block 595, Block 596, Block 597; Tract 0008: Block Group 1: Block 101, Block 102, Block

103, Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 209; Block Group 3: Block 302, Block 304, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 405A, Block 405B, Block 406, Block 407, Block 408B, Block 410A, Block 410D, Block 411A, Block 411B, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422B, Block 423B, Block 424B, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431A, Block 431B, Block 432, Block 433, Block 434; Tract 0009: Block Group 1: Block 119B; Tract 0010: Block Group 2: Block 201B, Block 201C, Block 202, Block 203B; Tract 0011: Block Group 5: Block 501B; Tract 0013: Block Group 1: Block 101B, Block 101C, Block 101D, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118B, Block 119B; Block Group 2: Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442; Tract 0014: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301, Block 302A, Block 302B, Block 303, Block 304A, Block 304B, Block 304C, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0015: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211A, Block 211B, Block 212, Block 213, Block 214A, Block 214B, Block 215A, Block 215B, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 219C, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272A, Block 272B, Block 273A, Block 273B; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Tract 0017.98: Block Group 2: Block 234B; Jefferson.

District 25: King: Tract 0304.02: Block Group 4: Block 408B, Block 408C, Block 408D, Block 408E, Block 409, Block 410, Block 411, Block 412, Block 413, Block 415B, Block 415C, Block 415D, Block 416; Block Group 5: Block 502C; Tract 0308: Block Group 2: Block 223B, Block 227B, Block 227C; Tract 0309: Block Group 2: Block 209B, Block 215B, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 228, Block 230, Block 231, Block 232, Block 233; Block Group 3: Block 302B, Block 304, Block 305, Block 306, Block 307, Block 308B, Block 309, Block 310B, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324A, Block 324B, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340A, Block 340B; Tract 0310: Block Group 9: Block 913B, Block 914, Block 915, Block 916C, Block 917B; Pierce: Tract 0702.01: Block Group 1: Block 105, Block 106; Tract 0703.03: Block Group 3: Block 316, Block 317A; Block Group 4: Block 401C, Block 402, Block 403, Block 405B; Tract 0703.05: Block Group 1: Block 101B, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 206, Block 207; Tract 0704: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Tract 0705: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 113C, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321A, Block 321B, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Tract 0706: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 108, Block 109, Block 110A, Block 110B, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116, Block 117A, Block 117B, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136A, Block 136B, Block 137A, Block 137B, Block 138, Block 139, Block 140A, Block 140B, Block 141, Block 142, Block 143, Block 144, Block 145; Tract 0707.01: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Block Group 6: Block 601A, Block 601B, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609A, Block 609B, Block 610A, Block 610B, Block 611; Tract 0707.02: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307A, Block 307B, Block 307C, Block 308A, Block 308B, Block 309, Block 310, Block 311A, Block 311B, Block 312A, Block 312B, Block 313A, Block 313B, Block 313C, Block 313D, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422A, Block 422B; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512A, Block 512B, Block 513, Block 514A, Block 514B, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520A, Block 520B, Block 521A, Block 521B, Block 522, Block 523A, Block 523B, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531; Block Group 6: Block 601, Block 602, Block 603, Block 604A, Block 604B, Block 605, Block 606A, Block 606B, Block 606C, Block 607A, Block 607B, Block 607C, Block 607D, Block 607E, Block 608, Block 609A, Block 609B, Block 610, Block 611, Block 612A, Block 612B,

Block 613, Block 614, Block 615A, Block 615B, Block 616, Block 617, Block 618A, Block 618B, Block 619A, Block 619B, Block 620A, Block 620B, Block 621A, Block 621B, Block 622, Block 623, Block 624A, Block 624B, Block 625, Block 626A, Block 626B, Block 627A, Block 627B, Block 628, Block 629, Block 630; Block Group 7: Block 701, Block 702A, Block 702B, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711A, Block 711B, Block 712, Block 713, Block 714B, Block 714C, Block 714D, Block 714E; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808A, Block 808B, Block 809, Block 810, Block 811B, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834; Tract 0709: Block Group 1: Block 108, Block 109; Tract 0710: Block Group 4: Block 402; Block Group 5: Block 501, Block 508, Block 509, Block 510, Block 511, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 615; Tract 0711: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 107; Block Group 2: Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Tract 0712.02: Block Group 1: Block 101, Block 102, Block 103, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 109C, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611A, Block 611B, Block 611C, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Tract 0712.03: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104A, Block 104B, Block 104C, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 202C, Block 203; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 501, Block 502; Tract 0712.04: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Tract 0713.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305B, Block 310, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 409, Block 410, Block 412, Block 413, Block 419, Block 420, Block 421, Block 422, Block 423; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 518, Block 520, Block 521, Block 522, Block 524, Block 525, Block 526; Block Group 6: Block 601, Block 602, Block 604, Block 605; Tract 0713.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504A, Block 504B, Block 505, Block 506, Block 507, Block 508; Tract 0713.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210, Block 211, Block 212; Tract 0715.01: Block Group 5: Block 503, Block 504; Tract

0716: Block Group 3: Block 325B, Block 326, Block 328; Tract 0731.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Tract 0731.04: Block Group 1: Block 101, Block 102, Block 103, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216; Block Group 3: Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329; Tract 0733: Block Group 1: Block 101, Block 102A, Block 102B, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109A, Block 111, Block 112, Block 113A, Block 113B, Block 113C, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215A, Block 215B, Block 215C, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 404D, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 414A, Block 414B, Block 414C, Block 415A, Block 415B, Block 416, Block 417, Block 418A, Block 418B, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526; Tract 0734.01: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Tract 0734.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 401, Block 402A, Block 402B, Block 403, Block 404, Block 405A, Block 405B, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414A, Block 414B, Block 415, Block 416, Block 417, Block 418, Block 419A, Block 419B, Block 420A, Block 420B, Block 421, Block 422; Block Group 5: Block 501, Block 502, Block 503A, Block 503B, Block 504, Block 505A, Block 505B, Block 505C, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626; Tract 0734.04: Block Group 1: Block 101, Block 102, Block 103,

Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529; Block Group 6: Block 601, Block 602, Block 603, Block 604A, Block 604B, Block 605, Block 606A, Block 606B, Block 606C, Block 607, Block 608, Block 609, Block 610A, Block 610B, Block 611, Block 612A, Block 612B.

District 26: Kitsap: Tract 0805, Tract 0806: Block Group 1: Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522; Tract 0809.98: Block Group 1: Block 124; Tract 0810: Block Group 1: Block 105, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111A, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121A, Block 121B, Block 121C, Block 122A, Block 122B, Block 122C, Block 123A, Block 123B, Block 123C, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 214, Block 215, Block 216, Block 218, Block 219, Block 221, Block 222, Block 223, Block 224, Block 225; Block Group 3: Block 301A, Block 301C, Block 305A, Block 307, Block 309, Block 310A, Block 310B, Block 311A, Block 311B, Block 311C, Block 312, Block 313, Block 314, Block 315, Block 316; Tract 0811: Block Group 2: Block 201, Block 202, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 314, Block 315, Block 326, Block 327, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339; Tract 0812: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231; Tract 0813, Tract 0814: Block Group 9: Block 901A, Block 901B, Block 901C, Block 902, Block 903; Tract 0814.99: Block Group 9: Block 901Z; Tract 0921: Block Group 1: Block 101, Block 102A, Block 102B, Block 102C, Block 103, Block 104A, Block 104B, Block 105, Block 106, Block 108A, Block 108C, Block 109, Block 111A, Block 113A, Block 113B, Block 124; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312B, Block 319B, Block 320, Block 322, Block 325, Block 326, Block 327, Block 328A, Block 328B, Block 328C, Block 329A, Block 329B, Block 329C, Block 330, Block 331, Block 332B, Block 333, Block 334B, Block 334C, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 369, Block 370A, Block 370B, Block 371A, Block 371B, Block 371C, Block 371D; Tract 0922: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 302C, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 408; Tract 0923, Tract 0924: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202,

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Tract 0928: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Pierce: Tract 0609.01: Block Group 6: Block 610, Block 611; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 715, Block 716; Tract 0609.02: Block Group 1: Block 101, Block 102, Block 103, Block 104; Block Group 2: Block 201, Block 202, Block 203; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Block Group 6: Block 601, Block 602, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 630; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 718, Block 719, Block 722, Block 724; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820; Tract 0724.02, Tract 0724.03, Tract 0724.04, Tract 0725.01, Tract 0725.02, Tract 0726: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252,

Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631A, Block 631B, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825.

District 27: Pierce: Tract 0602: Block Group 1: Block 101, Block 104, Block 106, Block 107, Block 108A, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117A, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143A, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164A, Block 164B, Block 165A, Block 165B, Block 165C, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185A, Block 185B, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Tract 0602.99: Block Group 1: Block 108Z, Block 117Z, Block 143Z; Tract 0603: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 139, Block 141, Block 142, Block 143, Block 145, Block 146, Block 148; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Tract 0604: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515,

Block 403, Block 404, Block 405; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607; Tract 0620: Block Group 1: Block 101, Block 102, Block 104, Block 108, Block 126; Block Group 2: Block 201, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 308, Block 309, Block 313, Block 315, Block 322; Tract 0621: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Tract 0622: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Tract 0623: Block Group 1: Block 101, Block 105, Block 106, Block 107, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 209, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 225; Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 314, Block 318; Block Group 4: Block 401, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 414, Block 415, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 425, Block 427, Block 428; Tract 0627: Block Group 1: Block 124, Block 142; Tract 0628.01: Block Group 1: Block 101, Block 102; Block Group 3: Block 301; Tract 0633: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 308, Block 309, Block 310, Block 316, Block 318, Block 321, Block 325; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 407, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 421, Block 422, Block 423, Block 424, Block 425; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518; Tract 0707.02: Block Group 7: Block 714A; Block Group 8: Block 811A; Tract 0709: Block Group 1: Block 114A, Block 115, Block 117, Block 118, Block 120, Block 121A, Block 121B, Block 124, Block 125, Block 126; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 209A, Block 209B, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222A, Block 222B, Block 223, Block 224A, Block 224B, Block 224C, Block 225, Block 226, Block 227, Block 228, Block 229A, Block 229B, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235A, Block 235B, Block 236, Block 237; Block Group 3: Block 301A, Block 302A, Block 302B, Block 303A, Block 303B, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310A, Block 310B, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 314C, Block 315A, Block 315B, Block 316, Block 317, Block 318A, Block 318B, Block 319, Block 320, Block 321A, Block 321B, Block 321C, Block 322A, Block 322B, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332; Tract 0710: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block

127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 502, Block 503, Block 504, Block 505, Block 506A, Block 506B, Block 507, Block 512; Block Group 6: Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614; Tract 0711: Block Group 1: Block 104, Block 105, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 214, Block 215; Tract 0712.02: Block Group 1: Block 104; Tract 0713.02: Block Group 4: Block 407, Block 408, Block 411, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 6: Block 603; Tract 0716: Block Group 1: Block 101, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325A, Block 327, Block 329; Block Group 4: Block 422; Tract 0723.05: Block Group 1: Block 101; Tract 0735: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131.

District 28: Pierce: Tract 0610: Block Group 1: Block 102, Block 103, Block 104, Block 121, Block 122; Block Group 2: Block 201; Block Group 3: Block 302, Block 303, Block 304, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911A, Block 911B, Block 912; Tract 0611: Block Group 7: Block 703, Block 705, Block 709, Block 710, Block 711, Block 712, Block 716, Block 717; Tract 0628.01: Block Group 3: Block 305; Tract 0628.02: Block Group 1: Block 104B, Block 104C, Block 121A; Tract 0718.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403; Block Group 5: Block 506, Block 510, Block 511, Block 514, Block 515, Block 516, Block 517, Block 518; Tract 0718.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236; Block Group 3: Block 301; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Tract 0718.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2:

105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313A, Block 313B, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404A, Block 404B, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Tract 0723.03: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 415, Block 416, Block 417, Block 418, Block 419; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 514, Block 515, Block 516, Block 517, Block 520, Block 521, Block 522A, Block 522B, Block 523, Block 524, Block 525; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615A, Block 615B, Block 616, Block 617, Block 618, Block 619A, Block 619B, Block 619C, Block 620; Block Group 7: Block 701A, Block 701B, Block 702A, Block 702B, Block 703A, Block 703B, Block 703C, Block 704A, Block 704B, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710; Tract 0723.05: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 120A, Block 120B, Block 120C, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509A, Block 509B, Block 510, Block 511; Block Group 6: Block 601A, Block 601B, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614A, Block 614B; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709; Block Group 8: Block 801, Block 802A, Block 802B, Block 802C, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907; Tract 0723.06: Block Group 1: Block 101B, Block 102B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205C, Block 205D; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Tract 0723.07, Tract 0723.08: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Tract 0726: Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934, Block 935, Block 936, Block 937, Block 938, Block 939, Block 940, Block 941, Block 942, Block 943, Block 944, Block 945, Block 946, Block 947, Block 948, Block 949, Block 950, Block 951, Block 952, Block 953, Block 954, Block 955, Block 956, Block 957, Block 958, Block 959, Block 960, Block 961, Block 962, Block 963, Block 964, Block 965, Block 966, Block 967, Block 968, Block 969, Block 970, Block 971, Block 972, Block 973, Block 974, Block 975, Block 976, Block

977, Block 978, Block 979, Block 980, Block 981, Block 982, Block 983, Block 984, Block 985, Block 986, Block 987, Block 988, Block 989, Block 990; Tract 0727: Block Group 9: Block 901.

District 29: Pierce: Tract 0617: Block Group 5: Block 511; Tract 0618: Block Group 1: Block 101, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 315, Block 316; Tract 0619: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 115, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Tract 0620: Block Group 1: Block 103, Block 105, Block 106, Block 107, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 127, Block 128; Block Group 2: Block 202, Block 203; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310, Block 311, Block 312, Block 314, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 422; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 515, Block 521, Block 522; Tract 0623: Block Group 1: Block 102, Block 103, Block 104, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 206, Block 207, Block 208, Block 210, Block 211, Block 212, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 302, Block 312, Block 313, Block 315, Block 316, Block 317; Block Group 4: Block 402, Block 403, Block 413, Block 416, Block 423, Block 424, Block 426; Tract 0624: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610; Tract 0625: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 613; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 712,

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District 30: King: Tract 0298.02: Block Group 3: Block 308; Tract 0299: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 124; Block Group 2: Block 203, Block 204, Block 206, Block 207, Block 208; Block Group 3: Block 301C, Block 301D, Block 301E, Block 303, Block 304, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315B, Block 316, Block 317, Block 318B; Tract 0300.01: Block Group 1: Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 424; Tract 0300.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block

105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 318, Block 319, Block 320; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916; Tract 0301: Block Group 1: Block 101, Block 102, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 205, Block 206, Block 209, Block 210, Block 214, Block 216, Block 217, Block 218, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914; Tract 0302.01: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 241, Block 242, Block 243, Block 244, Block 245; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 320, Block 321, Block 322, Block 324, Block 325, Block 326, Block 327; Tract 0302.02: Block Group 1: Block 101, Block 102, Block 103, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 126, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 244, Block 245; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Tract 0303.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Tract 0303.03: Block Group 1: Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 321, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Tract 0303.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 157; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311, Block 312A, Block 312B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509; Tract 0303.05: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Tract 0303.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Tract 0303.07: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201,

Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624; Tract 0304.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201A, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Tract 0304.02: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 414, Block 415A, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524; Tract 0309: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 130, Block 131, Block 133, Block 135; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215A, Block 226, Block 227; Block Group 3: Block 301, Block 302A, Block 303, Block 308A, Block 310A; Pierce: Tract 0601.01: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 110C, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Tract 0601.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311, Block 312; Tract 0602: Block Group 1: Block 102A, Block 102B, Block 103, Block 105; Tract 0708: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 204C, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 214, Block 215A, Block 215B, Block 216, Block 220; Tract 0709: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 110, Block 111A, Block 111B, Block 112, Block 113, Block 114B, Block 116, Block 119, Block 122, Block 123, Block 127; Block Group 3: Block 301B.

District 31: King: Tract 0295.01: Block Group 9: Block 903, Block 904, Block 905, Block 906, Block 907A, Block 907B, Block 908; Tract 0295.02: Block Group 9: Block 903, Block 904, Block 905, Block 906, Block 907A, Block 907B; Tract 0296: Block Group 1: Block 101A, Block 101B, Block 102, Block 103A, Block 103B, Block 103C, Block 104, Block 105; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301A, Block 301B, Block 302, Block 303A, Block 303B, Block 303C; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block

408B, Block 409; Tract 0297: Block Group 9: Block 901A, Block 901B, Block 901C, Block 903, Block 904B, Block 905, Block 906, Block 909B; Tract 0298.02: Block Group 6: Block 601A; Tract 0299: Block Group 3: Block 301A, Block 301B, Block 302, Block 305, Block 315A, Block 318A; Tract 0304.01: Block Group 2: Block 201B; Tract 0305.01, Tract 0305.02, Tract 0306, Tract 0307, Tract 0308: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 207C, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223A, Block 223C, Block 224, Block 225, Block 226, Block 227A; Block Group 3: Block 301, Block 302, Block 303, Block 304A, Block 304B, Block 304C, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310A, Block 310B, Block 311, Block 312, Block 313A, Block 313B, Block 314A, Block 314B, Block 315, Block 316A, Block 316B, Block 317, Block 318, Block 319; Tract 0310: Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913A, Block 913C, Block 916A, Block 916B, Block 916D, Block 917A, Block 918, Block 919, Block 920, Block 921, Block 922; Tract 0311: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104A, Block 104B, Block 104C, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Tract 0312.02: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 103C, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519A, Block 519B, Block 520, Block 521, Block 522A, Block 522B, Block 523, Block 524; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 912; Tract 0312.03: Block Group 1: Block 104; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905; Tract 0312.04: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0313: Block Group 1: Block 101A, Block 101B, Block 102, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107A, Block 107B, Block 107C, Block 107D, Block 108, Block 109, Block 110, Block 111A, Block 111B, Block 111C, Block 111D, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 205D, Block 205E, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211A, Block 211B, Block 211C, Block 211D, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; 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128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169; Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317A, Block 317B, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; 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Block Group 4: Block 458; Block Group 5: Block 509A, Block 509B, Block 509C, Block 511, Block 513, Block 514A, Block 514B; Tract 0316: Block Group 8: Block 801B, Block 802, Block 803, Block 809B, Block 810, Block 811, Block 812; Tract 0331: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Pierce: Tract 0701: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121A, Block 121B, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165A, Block 165B, Block 166, Block 167, Block 168, Block 169, Block 170A, Block 170B, Block 170C, Block 171, Block 172, Block 173A, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 193, Block 194, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block

238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Tract 0702.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420A, Block 420B, Block 421A, Block 421B, Block 422, Block 423, Block 424, Block 425A, Block 425B, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 434, Block 442A, Block 442B, Block 442C, Block 451A, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601A, Block 601B, Block 601C, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609A, Block 609B, Block 610, Block 611, Block 612; Block Group 7: Block 721A, Block 721B, Block 723A, Block 723B, Block 727A, Block 727B, Block 727C, Block 727E, Block 728A, Block 728B, Block 729A, Block 729B, Block 730, Block 731, Block 732, Block 733A, Block 733B, Block 734, Block 735, Block 736A, Block 736B, Block 737, Block 738, Block 739, Block 740, Block 741, Block 742A, Block 742B, Block 743A, Block 743B, Block 744A, Block 744B, Block 745, Block 746, Block 747A, Block 747B, Block 748A, Block 748B, Block 749, Block 750A, Block 750B, Block 751, Block 752; Tract 0703.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 120; Block Group 2: Block 201A, Block 201B, Block 201C, Block 201D, Block 201E, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228A, Block 228B, Block 229; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525; Tract 0703.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111A, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118A, Block 118B, Block 119, Block 120, Block 121; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313A, Block 313B, Block 314, Block 315, Block 317B; Block Group 4: Block 401A, Block 401B, Block 404, Block 405A; Tract 0703.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2:

Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214A, Block 214B, Block 214C, Block 214D, Block 215, Block 216, Block 217; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 304A, Block 304B, Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508A, Block 508B, Block 508C, Block 508D, Block 508E, Block 508F, Block 508G, Block 509, Block 510, Block 511A, Block 511B, Block 512, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607A, Block 607B, Block 607C, Block 608, Block 609; Tract 0703.05: Block Group 1: Block 101A, Block 102A, Block 108, Block 109; Block Group 3: Block 301, Block 302, Block 304, Block 305, Block 306; Tract 0706: Block Group 1: Block 106, Block 107, Block 111; Tract 0733: Block Group 1: Block 109B, Block 110.

District 32: King: Tract 0003: Block Group 1: Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 313, Block 314, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322; Tract 0004: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 207, Block 208, Block 211, Block 212, Block 217, Block 218, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 6: Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 704, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720; Tract 0005: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0006: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 110, Block 111, Block 112, Block 113, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Tract 0014: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 304, Block 306, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615; Tract 0015: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202,

Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Tract 0016: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 319; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Tract 0031: Block Group 6: Block 601, Block 602; Tract 0201: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 314, Block 316; Tract 0202: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 406, Block 408, Block 409, Block 411; Tract 0203: Block Group 1: Block 102, Block 103, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 205, Block 206, Block 207, Block 208, Block 209, Block 212, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Tract 0204: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 111, Block 112, Block 113, Block 114A, Block 114B, Block 115A, Block 115B, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122A, Block 122B, Block 122C; Block Group 2: Block 201, Block 202A, Block 202B, Block 202C, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 206C, Block 206D, Block 206E, Block 206F, Block 206G, Block 207A, Block 207B, Block 207C, Block 208, Block 209, Block 210, Block 211, Block 212, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 315, Block 316; Block Group 4: Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508A, Block 508B, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602A, Block 602B, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Tract 0205: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608; Tract 0206: Block Group 1: Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Tract 0207: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block

304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 507, Block 508, Block 510, Block 511; Tract 0208: Block Group 1: Block 105, Block 106, Block 107, Block 108, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 413, Block 414; Tract 0209: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Tract 0210: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 108, Block 109, Block 110, Block 111, Block 116, Block 117, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 308, Block 309, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518; Tract 0211: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Tract 0212, Tract 0213: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 411, Block 412, Block 415, Block 416; Tract 0214: Block Group 1: Block 101, Block 102A, Block 102B, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 112, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217A, Block 217B, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307A, Block 307B, Block 307C, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 313, Block 314, Block 316, Block 317, Block 318; Tract 0215: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211; Block Group 3: Block 301A, Block 301B, Block 301C, Block 301D, Block 302, Block 303A, Block 303B, Block 304, Block 305A, Block 305B, Block 306A, Block 306B, Block 307, Block 308A, Block 308B, Block 309A, Block 309B, Block 310, Block 311, Block 312, Block 313, Block 314; Tract 0216: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 206, Block 207, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Tract 0217: Block Group 1: Block 103, Block 105, Block 106, Block 108; Tract 0221: Block Group 1: Block 105; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414.

District 33: King: Tract 0253: Block Group 4: Block 414; Block Group 5: Block 529; Tract 0258.01: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311A, Block 311B, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 410; Block Group 5: Block 501, Block 502; Tract 0259: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 910, Block 911, Block 912, Block 913, Block 914, Block 916, Block 923, Block 924; Tract 0261: Block Group 4: Block 417; Tract 0262: Block Group 2: Block 201, Block 202, Block 203, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335; Block Group 4: Block 413, Block 420, Block 421, Block 422, Block 423; Tract 0280: Block Group 3: Block 310, Block 313, Block 315; Tract 0282: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 109; Block Group 2: Block 201, Block 202, Block 206; Block Group 4: Block 402, Block 403, Block 404, Block 405, Block 406; Tract 0283: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 106A, Block 106B, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907A, Block 907B, Block 907C, Block 908, Block 909A, Block 909B, Block 909C, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919A, Block 919B, Block 920, Block 921; Tract 0284.01: Block Group 3: Block 302, Block 318, Block 319; Block Group 9: Block 902, Block 903, Block 904, Block 905; Tract 0284.02: Block Group 2: Block 201, Block 202, Block 206, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 313, Block 314, Block 315, Block 316, Block 320, Block 321, Block 322; Tract 0284.03: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 414, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528; Tract 0285: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 306, Block 307, Block 308, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Tract 0286: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 107A, Block 107B, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 306, Block 307, Block 308, Block 310, Block 311, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 406, Block 407, Block 409, Block 410; Tract 0287: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 213, Block 216, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 310, Block 311, Block 312, Block 313, Block 315, Block 316, Block 318, Block 320; Block

Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Tract 0288.01: Block Group 3: Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 608, Block 609, Block 613; Block Group 9: Block 901, Block 905, Block 906, Block 907A, Block 907B, Block 907C, Block 907D, Block 907E, Block 908; Tract 0288.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304; Tract 0289: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 125, Block 127, Block 128, Block 135, Block 136, Block 137, Block 138; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402A, Block 402B, Block 402C, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 614, Block 615, Block 616, Block 617, Block 618, Block 620; Tract 0290.01: Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304A, Block 304B, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Tract 0290.02: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 101E, Block 101F, Block 101G, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211A, Block 211B, Block 212, Block 213, Block 214A, Block 214B; Block Group 3: Block 301A, Block 301B, Block 302, Block 303A, Block 303B, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611; Tract 0291: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 102, Block 106, Block 109A, Block 109B, Block 109C, Block 110, Block 111; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412A, Block 412B; Block Group 9: Block 901A, Block 901B, Block 901C, Block 901D, Block 902; Tract 0292.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 115, Block 116; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 427, Block 428; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 616, Block 617, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924; Tract 0292.02: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 102A, Block 102B, Block 102C, Block 103, Block 104A, Block 104B, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block

205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 324; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 420, Block 423, Block 424; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 515, Block 516, Block 525; Tract 0293.01: Block Group 9: Block 901, Block 902, Block 912A, Block 912B, Block 913A, Block 913B; Tract 0294.03: Block Group 1: Block 105; Tract 0294.04: Block Group 2: Block 214; Tract 0295.01: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 9: Block 902; Tract 0297: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 123, Block 128, Block 129, Block 130; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 220, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 317, Block 320, Block 321, Block 322, Block 323, Block 325, Block 326; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423; Block Group 9: Block 902A, Block 902B, Block 904A, Block 907, Block 908, Block 909A, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916A, Block 916B; Tract 0298.01: Block Group 1: Block 101, Block 102, Block 103, Block 105, Block 106, Block 107, Block 108, Block 113, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905A, Block 905B, Block 905C, Block 905D, Block 905E, Block 906A, Block 906B, Block 907, Block 908A, Block 908B, Block 909A, Block 909B, Block 910A, Block 910B, Block 911; Tract 0298.02: Block Group 2: Block 201, Block 202, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 506, Block 510, Block 511, Block 512, Block 515; Block Group 6: Block 601B, Block 602, Block 603, Block 604, Block 605; Tract 0300.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113, Block 114, Block 118; Block Group 2: Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308.

District 34: King: Tract 0096: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 114, Block 115, Block 116, Block 118; Block Group 2: Block 204, Block 206, Block 207, Block 208, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 316; Block Group 4: Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 507, Block 509, Block 510, Block 512, Block 513, Block 514, Block 515; Tract 0097: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block

Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418, Block 422, Block 424; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518; Block Group 6: Block 601, Block 603, Block 604, Block 605, Block 606, Block 608, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 620, Block 621, Block 622; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 724; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812; Tract 0098: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713; Block Group 8: Block 801, Block 802, Block 803, Block 806, Block 807, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814; Tract 0099: Block Group 5: Block 504, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 521, Block 534, Block 535, Block 536, Block 537, Block 539, Block 553; Tract 0105: Block Group 1: Block 102; Block Group 2: Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 412; Block Group 5: Block 501, Block 502, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 520, Block 521; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 616; Tract 0106: Block Group 2: Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 413; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713; Tract 0114: Block Group 5: Block 516, Block 517; Tract 0115: Block Group 1: Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 205, Block 208, Block 209; Block Group 3: Block 304, Block 305, Block 306, Block 307, Block 308, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611; Tract 0116: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 312, Block 314, Block 315, Block 316, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 407, Block 408, Block 409, Block 410, Block 413, Block 414,

Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 608, Block 611, Block 613, Block 616, Block 619, Block 622, Block 625, Block 626, Block 627, Block 628; Tract 0120: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Tract 0121: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0264: Block Group 2: Block 203, Block 209; Block Group 4: Block 401, Block 402A, Block 403, Block 404, Block 405, Block 406, Block 407; Tract 0266: Block Group 2: Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 214, Block 215, Block 216; Tract 0267: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 512, Block 513; Tract 0268: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404; Block Group 5: Block 501, Block 503A, Block 503B, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 7: Block 706, Block 707; Tract 0269: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309; Tract 0270: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0271: Block Group 2: Block 202, Block 209; Block Group 3: Block 301; Tract 0273: Block Group 3: Block 307, Block 308, Block 309; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Tract 0274: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511; Block Group 6: Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 616; Tract 0275: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block

504, Block 505, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Tract 0276: Block Group 1: Block 101, Block 102, Block 103, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 214, Block 215, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Tract 0277.01, Tract 0277.02, Tract 0278: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 206A, Block 206B, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302A, Block 302B, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309A, Block 309B, Block 310A, Block 310B, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406; Tract 0279: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 318, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714; Tract 0280: Block Group 1: Block 101A, Block 101B, Block 102, Block 103; Block Group 2: Block 201, Block 202, Block 206, Block 209; Block Group 3: Block 301, Block 305, Block 308, Block 309, Block 311, Block 312, Block 314A, Block 314B, Block 316; Tract 0281: Block Group 2: Block 206; Block Group 3: Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 4: Block 401, Block 402, Block 413; Tract 0282: Block Group 2: Block 203, Block 204, Block 205; Tract 0283: Block Group 1: Block 105; Tract 0284.01: Block Group 9: Block 901; Tract 0284.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 203, Block 204, Block 205, Block 207, Block 208, Block 209; Tract 0286: Block Group 1: Block 106A, Block 106B.

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Tract 0811: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138; Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 220, Block 221, Block 222; Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 328; Tract 0912.01: Block Group 2: Block 212, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 303, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0913: Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338; Block Group 4: Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434; Tract 0914: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Tract 0920: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167; 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Tract 0929: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337; 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Mason, Thurston: Tract 0109: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 202E, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 217; Tract 0110: Block Group 1: Block 101C, Block 103, Block 106, Block 109, Block 110; Tract 0118: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; 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Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block 739, Block 740, Block 741, Block 742, Block 747, Block 748; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850; Tract 0119: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555.

District 36: King: Tract 0028, Tract 0029, Tract 0030: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710; Tract 0031: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Block Group 6: Block 603, Block 608, Block 609, Block 610, Block 611, Block 612, Block 614, Block 615; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block

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Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 722, Block 723, Block 726; Block Group 8: Block 801, Block 802, Block 803, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827; Tract 0057: Block Group 2: Block 201, Block 202A, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 408, Block 409, Block 410, Block 411, Block 416, Block 417; Block Group 5: Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710; Tract 0057.99: Block Group 2: Block 202Z; Tract 0058.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 607, Block 608, Block 609, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 706, Block 710, Block 711, Block 713, Block 716, Block 718, Block 726, Block 727; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808A, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831; Tract 0058.02: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 210, Block 211, Block 212, Block 219, Block 222, Block 223, Block 225; Block Group 3: Block 301, Block 312A, Block 312B, Block 315, Block 320, Block 321, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 407, Block 408, Block 409, Block 412, Block 414, Block 415, Block 416, Block 418, Block 419, Block 420, Block 421, Block 422; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607A, Block 607B; Block Group 9: Block 901A, Block 901B, Block 901C, Block 901D, Block 901E, Block 901F, Block 901G, Block 902, Block 903A, Block 903B, Block 904; Tract 0058.99: Block Group 8: Block 808Z; Block Group 9: Block 901Z; Tract 0059: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123A, Block 124, Block 125; Block Group 2: Block 201, Block 203, Block 204, Block 205, Block 206, Block 208, Block 209, Block 210, Block 212, Block 213, Block 214, Block 216; Block Group 3: Block 301, Block 303, Block 305, Block 306, Block 307, Block 308, Block 310, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402A, Block 402B, Block 404, Block 405, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 414, Block 416; Block

Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 124; Block Group 3: Block 304, Block 305, Block 306, Block 309, Block 310, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319A, Block 319B, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 424, Block 425, Block 426; Tract 0080: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313A, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322; Tract 0080.99: Block Group 3: Block 313Z.

District 37: King: Tract 0063: Block Group 3: Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 404; Tract 0076: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 411, Block 412, Block 413, Block 414; Tract 0077: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 413, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 511, Block 512, Block 513, Block 514, Block 518, Block 519, Block 520; Tract 0078: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 110, Block 112, Block 117, Block 121, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 225; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 523; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 717, Block 719, Block 720, Block 721, Block 722, Block 723, Block 728; Tract 0079: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 405, Block 406, Block 407, Block 410, Block 411, Block 412; Block Group 5: Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Tract 0085: Block Group 2: Block 210; Tract 0086: Block Group 1: Block 110, Block 111, Block 112; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 404, Block 408, Block 409,

Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 502, Block 503, Block 512; Tract 0087, Tract 0088, Tract 0089: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 111, Block 112, Block 114, Block 115, Block 116, Block 117, Block 120, Block 121, Block 126, Block 127, Block 128, Block 130, Block 131, Block 132; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 616, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625; Tract 0090: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 115, Block 117, Block 120; Block Group 2: Block 201, Block 202, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327; Tract 0091: Block Group 1: Block 101, Block 102, Block 107; Tract 0094: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109, Block 110, Block 112, Block 113, Block 114, Block 115, Block 118, Block 122, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 312, Block 313, Block 323; Block Group 5: Block 503, Block 505, Block 506, Block 507, Block 508, Block 509, Block 511, Block 519; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 614, Block 615, Block 616, Block 617, Block 618, Block 620, Block 621, Block 626, Block 628, Block 629, Block 630, Block 632, Block 633, Block 634; Tract 0095: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 119, Block 120, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 132, Block 134, Block 137, Block 138, Block 139; 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Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 626, Block 627, Block 628, Block 629; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724; Block Group 8: Block 810, Block 811, Block 812, Block 813, Block 814, Block 816, Block 818, Block 819; Tract 0100: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 206, Block 209, Block 210, Block 211, Block 213; Block Group 3: Block 301; Block Group 6: Block 606, Block 607, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619; Block Group 7: Block 701, Block 702, Block

703, Block 714, Block 715, Block 716, Block 717, Block 718, Block 720, Block 721, Block 722, Block 727, Block 728, Block 729; Tract 0101: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 117, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 216, Block 219, Block 220, Block 221, Block 225, Block 226; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 312, Block 313, Block 320, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 412, Block 413, Block 414, Block 415, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 514, Block 515, Block 516, Block 517, Block 518; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 707, Block 708, Block 711, Block 712, Block 713, Block 715, Block 716, Block 720; Tract 0102: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 212, Block 214, Block 216, Block 217, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 514, Block 515, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 609, Block 610, Block 612, Block 614, Block 615, Block 618, Block 619, Block 620; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 708; Tract 0103: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216, Block 217, Block 218, Block 220; Block Group 3: Block 301, Block 302, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 417, Block 418, Block 419, Block 420, Block 421, Block 424; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 521, Block 522; Tract 0104: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106, Block 107, Block 108, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309, Block 311; Block Group 7: Block 708, Block 709, Block 710, Block 711, Block 712; Block Group 8: Block 802, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818; Tract 0110: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 306, Block 307, Block 310, Block 311, Block 312, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 515; Tract 0111: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 204, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block

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Block Group 3: Block 301, Block 302, Block 310, Block 312, Block 313, Block 316, Block 325, Block 326; Tract 0118: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 107, Block 110, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 416, Block 417; Block Group 5: Block 511, Block 512, Block 513, Block 514, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615; Tract 0119: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216A, Block 216B, Block 217A, Block 217B, Block 222, Block 223, Block 225, Block 226, Block 227A, Block 227B, Block 228, Block 229A, Block 229B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 409, Block 410, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 508, Block 509, Block 511, Block 512, Block 513, Block 514, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619; Tract 0253: Block Group 9: Block 904A, Block 905, Block 906, Block 907, Block 908; Tract 0260.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 523, Block 524; Block Group 6: Block 601, Block 602, Block 603A, Block 603B, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615A, Block 615B, Block 616, Block 623A, Block 623B, Block 623C, Block 624, Block 626, Block 627; Tract 0260.02: Block Group 3: Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 401, Block 403, Block 408, Block 409, Block 410, Block 413, Block 414, Block 417, Block 418, Block 419, Block 420, Block 421; Block Group 6: Block 601A, Block 602A, Block 602B, Block 602C, Block 602D, Block 602E, Block 621, Block 622; Block Group 7: Block 703, Block 704, Block 705, Block 706; Tract 0263: Block Group 1: Block 101, Block 103.

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Tract 0402, Tract 0403, Tract 0404, Tract 0405, Tract 0406, Tract 0407, Tract 0408, Tract 0409, Tract 0410, Tract 0411, Tract 0412, Tract 0413: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109A, Block 109B, Block 109E, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215, Block 218, Block 219, Block 220, Block 221, Block 226; Block Group 3: Block 301A; Block Group 8: Block 801A, Block 801C; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918; Tract 0414, Tract 0415, Tract 0416.01: Block Group 1: Block 111A, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 202, Block 203, Block 211, Block 212A, Block 214A, Block 215; Tract 0416.03: Block Group 3: Block 303A; Block Group 4: Block 403A; Block Group 9: Block 902A; Tract 0417: Block Group 1: Block 101, Block 102, Block 103A, Block 104, Block 105A, Block 106, Block 108A, Block 109, Block 110A, Block 111A, Block 112, Block 113, Block 114A, Block 114B, Block 117; Block Group 2: Block 201A; Tract 0418.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 122, Block 126; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 207, Block 208, Block 209, Block 210A, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217A, Block 217B, Block 218, Block 219, Block 220, Block 221, Block 222A, Block 223A, Block 224A, Block 226A, Block 227A, Block 229A, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236A, Block 236B, Block 237, Block 238; Tract 0418.03: Block Group 9: Block 901A, Block 902A, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910A, Block 915, Block 916; Tract 0419.01: Block Group 9: Block 901A, Block 901B; Tract 0419.02: Block Group 1: Block 101, Block 102A, Block 106, Block 107, Block 110, Block 111A, Block 119A, Block 119B; Block Group 9: Block 901, Block 902, Block 903A, Block 903B, Block 903C, Block 903D, Block 903E, Block 903M, Block 904, Block 905A, Block 910, Block 911, Block 912, Block 913A; Tract 0521.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 107A, Block 107B, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916A, Block 916B, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924A, Block 924B, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934, Block 935, Block 936, Block 937, Block 938, Block 939, Block 940, Block 941, Block 942; Tract 0521.05: Block Group 1: Block 109A; Tract 0525.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 303, Block 304, Block 305, Block 314, Block

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District 39: King: Tract 0329; Snohomish: Tract 0521.05: Block Group 1: Block 101, Block 102, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141A, Block 141B, Block 142, Block 143, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Tract 0521.08: Block Group 1: Block 101, Block

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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313A, Block 313B, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Tract 0526.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block

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Tract 0526.02: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 103C, Block 103D, Block 104, Block 105; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 209C, Block 209D, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518; 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Tract 0528.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Tract 0528.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Tract 0531: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 302; Tract 0533: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block

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Tract 9519: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156; Tract 9522: Block Group 1: Block 101, Block 102, Block 103, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234; 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Tract 0247.98: Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401A, Block 401B, Block 401C, Block 402A, Block 402B, Block 402C, Block 402D, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 411A, Block 411B, Block 412A, Block 412B, Block 412C, Block 413A, Block 413B, Block 414A, Block 414B, Block 415, Block 416; Tract 0248: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 211A, Block 211B, Block 212A, Block 212B, Block 212C; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409A, Block 409B, Block 410, Block 411, Block 412A, Block 412B, Block 413, Block 414A, Block 414B, Block 414C, Block 414D; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505; Tract 0249.01: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407A, Block 407B; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905,

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Tract 0006.99: Block Group 1: Block 135Z; Tract 0007: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Tract 0008: Block Group 1: Block 101; Tract 0008.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 403C, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422A, Block 422B, Block 423, Block 424, Block 425A, Block 425B, Block 426A, Block 426B; Block Group 5: Block 501, Block 502, Block 503, Block 504A, Block 504B, Block 505A, Block 505B, Block 506A, Block 506B, Block 507A, Block 507B, Block 507C, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Tract 0008.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 115; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 410C, Block 411, Block 412, Block 413, Block 414, Block 415; Tract 0009: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 106, Block 110, Block 115, Block 124; Tract 0010: Block Group 1: Block 143, Block 196; Tract 0011: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149; Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 223; Tract 0101: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137A, Block 137B, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150A, Block 150B, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163A, Block 163B, Block 163C, Block 163D, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172,

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District 43: King: Tract 0035: Block Group 3: Block 302, Block 303; Tract 0041: Block Group 5: Block 503, Block 504, Block 505, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Block Group 6: Block 601, Block 602, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Block Group 7: Block 702, Block 703, Block 704, Block 705, Block 706, Block 707; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 810, Block 811, Block 813; Tract 0043: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310, Block 311; Block Group 4: Block 401, Block 405, Block 406, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 511; Block Group 6: Block 601, Block 603, Block 604, Block 605, Block 606, Block 607, Block 610; Tract 0044, Tract 0045: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106, Block 107, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Tract 0046: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Tract 0048: Block Group 1: Block 103, Block 106, Block 108, Block 112, Block 113, Block 114, Block 115, Block 116; Tract 0049: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212,

Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Tract 0062: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310, Block 311, Block 312, Block 313, Block 314, Block 316, Block 319; Block Group 4: Block 402, Block 403, Block 404, Block 405, Block 406, Block 408, Block 409, Block 411, Block 412, Block 415, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 506, Block 508, Block 509, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615; Tract 0063: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211, Block 214, Block 215, Block 216, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 402, Block 403, Block 405, Block 406, Block 407, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 511, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614; Tract 0064: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 413, Block 414; Block Group 5: Block 501, Block 510; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616; Tract 0065: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507, Block 508, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Tract 0066: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201A, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Tract 0066.99: Block Group 2: Block 201Z; Tract 0072: Block Group 1: Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 307, Block 308, Block 311; Tract 0073: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 213, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Tract 0074: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105,

Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507, Block 508, Block 509; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709; Tract 0075: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615; Tract 0077: Block Group 5: Block 510; Tract 0080: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 323, Block 324; Tract 0081: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 303, Block 304, Block 308, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 318, Block 320, Block 321, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 429; Tract 0082: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Tract 0083: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Tract 0084: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 411, Block 412, Block 413; Tract 0085: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508; Tract 0086: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 5: Block 501, Block 504, Block 513.

District 44: Snohomish: Tract 0416.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 125; Block Group 2: Block 201, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 212B, Block 214B, Block 214C, Block 214D; Tract 0416.03: Block Group 3: Block 301, Block 302, Block 303B, Block 304; Block Group 4: Block 401, Block 402, Block 403B, Block 403C, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Block Group 9: Block 901, Block 902B, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910; Tract 0416.04:

Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Block Group 9: Block 901; Tract 0417: Block Group 1: Block 103B, Block 105B, Block 107, Block 108B, Block 110B, Block 111B, Block 115, Block 116, Block 118, Block 119, Block 120; Block Group 2: Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402C, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0418.01: Block Group 2: Block 206B, Block 210B, Block 222B, Block 223B, Block 224B, Block 225, Block 226B, Block 227B, Block 228, Block 229B; Tract 0418.03: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 9: Block 901B, Block 902B, Block 910B, Block 911, Block 912, Block 913, Block 914; Tract 0418.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505; Tract 0419.01: Block Group 2: Block 201, Block 202; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 9: Block 901E, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911; Tract 0419.02: Block Group 1: Block 102B, Block 103, Block 104, Block 105, Block 108A, Block 108B, Block 108C, Block 108D, Block 109A, Block 109B, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 9: Block 903F, Block 903G, Block 903H, Block 903J, Block 903K, Block 903L, Block 905B, Block 906, Block 907, Block 908, Block 909, Block 913B; Tract 0420.02: Block Group 1: Block 105, Block 106; Block Group 2: Block 201; Tract 0420.04: Block Group 1: Block 101, Block 102; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Tract 0501: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 111B; Tract 0516: Block Group 1: Block 101A, Block 101B, Block 102B; Tract 0517: Block Group 5: Block 501A; Tract 0518.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 111B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Tract 0518.02: Block Group 1: Block 101, Block 102A, Block 102B, Block 105A, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302C, Block 303, Block 304, Block 305B, Block 306B, Block 307, Block 309B; Tract 0519.07: Block Group 1: Block 119, Block 120; Tract 0519.08: Block Group 7: Block 701, Block 702, Block 706, Block 707; Block Group 8: Block 801A, Block 801B, Block 801C, Block 802, Block 803, Block 804A, Block 804B, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813A, Block 813B, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821; Tract 0519.09: Block Group 2: Block 201, Block 202, Block 204, Block 205; Tract 0519.10: Block Group 3: Block 301, Block 302; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Tract 0519.11: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708A, Block 708B; Block Group 9: Block 901, Block 902,

Block 903, Block 904, Block 905, Block 906, Block 907; Tract 0519.12: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Tract 0520.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201A, Block 201B, Block 202, Block 203A, Block 203B, Block 203C, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 208C, Block 208D, Block 209A, Block 209B, Block 210A, Block 210B, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 403C, Block 403D, Block 404A, Block 404B, Block 405A, Block 405B, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 508, Block 509; Tract 0520.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Block Group 7: Block 701A, Block 701B, Block 702, Block 703, Block 704, Block 705; Tract 0520.03: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Tract 0521.05: Block Group 1: Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 122, Block 123, Block 124, Block 144; Block Group 2: Block 211, Block 212, Block 213, Block 214; Tract 0521.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Tract 0521.07: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Tract 0521.08: Block Group 1: Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331; Tract 0521.09: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515.

District 45: King: Tract 0219.03: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 217, Block 218, Block 219, Block 220;

Block Group 3: Block 308, Block 316; Tract 0219.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Tract 0220.04: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905; Tract 0222.02: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Tract 0222.98: Block Group 1: Block 101B, Block 101C; Block Group 3: Block 301B; Block Group 9: Block 905C, Block 906, Block 917; Tract 0224: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 108, Block 109, Block 110, Block 112, Block 113, Block 114, Block 116, Block 117, Block 119; Block Group 2: Block 201, Block 209, Block 210, Block 211, Block 213, Block 215, Block 216, Block 220; Block Group 3: Block 301, Block 302, Block 304, Block 305, Block 306, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 405, Block 406, Block 407, Block 408, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 504, Block 505, Block 506, Block 507, Block 508, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Block Group 6: Block 601, Block 602, Block 603, Block 606, Block 609, Block 610, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724; Block Group 8: Block 801, Block 802; Tract 0225: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105; Block Group 5: Block 501, Block 518, Block 519; Block Group 9: Block 901, Block 902, Block 903, Block 905; Tract 0226.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109, Block 110, Block 113, Block 115; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910; Tract 0226.02: Block Group 9: Block 901A, Block 901B, Block 901C, Block 901D, Block 901E, Block 901F, Block 902, Block 903A, Block 903B, Block 904, Block 911, Block 912; Tract 0323.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 137, Block 139, Block 140; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412A, Block 412B, Block 413, Block 414A, Block 414B, Block 414C, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916; Tract 0323.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 106D, Block 107A, Block 107B, Block 108A, Block 108B, Block 108C, Block 108D, Block 109A, Block 109B, Block 110, Block 111, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116A, Block 116B, Block 116C, Block 117, Block 118, Block 119, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Block Group 6: Block 601, Block 602, Block 603, Block

604, Block 605, Block 606, Block 607; Block Group 9: Block 901, Block 902; Tract 0323.05: Block Group 7: Block 701, Block 702; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 974; Tract 0323.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606; Block Group 9: Block 901, Block 902; Tract 0323.07: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421; Tract 0323.08: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905A, Block 905B, Block 906, Block 907, Block 908, Block 909, Block 910; Tract 0323.09: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215A, Block 215B, Block 216, Block 217, Block 218A, Block 218B, Block 218C, Block 218D, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318A, Block 318B, Block 319, Block 320; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906; Tract 0323.10: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907; Tract 0324: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113A, Block 113B, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 207C, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250A, Block 250B, Block 250C, Block 251A, Block 251B, Block 252, Block 253A, Block 253B, Block 254, Block 255A, Block 255B, Block 255C, Block 256, Block 257, Block 258, Block 259, Block 260; Block Group 3: Block 301, Block 302, Block 303, Block 304A, Block 304B, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415A, Block 415B, Block 416, Block 417; Tract 0325: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block

120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239; Block Group 3: Block 301, Block 302A, Block 302B, Block 302C, Block 302D, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310A, Block 310B, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 315A, Block 315B, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345A, Block 345B, Block 345C, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358; Tract 0326: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 336, Block 337; Tract 0328: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 152, Block 154, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175B, Block 177B, Block 178B, Block 190, Block 191.

District 46: King: Tract 0001: Block Group 1: Block 101, Block 102, Block 103, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Tract 0002: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 114, Block 115, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 617; Tract 0003: Block Group 1: Block 123; Tract 0006: Block Group 3: Block 302, Block 321, Block 322, Block 323, Block 324; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 510, Block 515, Block 516; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block

115, Block 116, Block 117, Block 118, Block 119, Block 121; Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 511, Block 512, Block 513, Block 515, Block 516, Block 517, Block 518, Block 519, Block 522, Block 526, Block 527, Block 528; Tract 0023.98: Block Group 9: Block 901, Block 903, Block 904; Tract 0024, Tract 0025, Tract 0026, Tract 0027: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 216, Block 217, Block 219; Block Group 3: Block 301, Block 306, Block 307, Block 308, Block 309, Block 310, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Block Group 7: Block 707, Block 708, Block 709, Block 710, Block 711, Block 712; Tract 0036: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 420; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Tract 0037, Tract 0038: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 207, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0039: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Tract 0040.98: Block Group 1: Block 101, Block 103, Block 106, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 218; Block Group 9: Block 902; Tract 0041: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 109, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Block Group 5: Block 501, Block 502; Block Group 7: Block 701, Block 710, Block 711, Block 712; Tract 0042: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113, Block 114, Block 115, Block 116,

Block 118, Block 119, Block 120, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 215A, Block 215B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312, Block 313, Block 314, Block 316, Block 317, Block 318, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813; Tract 0046: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 4: Block 411.

District 47: King: Tract 0253: Block Group 3: Block 314, Block 317, Block 318, Block 321, Block 322; Tract 0254: Block Group 1: Block 101, Block 107, Block 109, Block 110, Block 112, Block 113, Block 114, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 319; Block Group 4: Block 401, Block 402, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Tract 0255: Block Group 1: Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Tract 0256: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 302C, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 323B, Block 324B; Block Group 9: Block 906B; Tract 0257: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Block Group 6: Block 601, Block 602, Block 603, Block 604A, Block 604B; Block Group 7: Block 701C; Block Group 8: Block 801, Block 802, Block 803, Block 804; Tract 0258.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 107A, Block 107B, Block 116, Block 117; Block Group 4: Block 401, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406, Block 407, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 504A, Block 504B; Tract 0258.02: Block Group 1: Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113; Block Group 2: Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Tract 0292.02: Block Group 1: Block 120A, Block 120B; Tract 0293.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507; Tract 0293.02: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102A, Block 102B; Block Group 2: Block 201, Block 202, Block

203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305A, Block 305B, Block 305C, Block 305D, Block 306, Block 307, Block 310, Block 311, Block 312; Block Group 9: Block 906, Block 907, Block 908, Block 909, Block 910, Block 918, Block 919, Block 920, Block 927; Tract 0294.02: Block Group 6: Block 601, Block 602, Block 603; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705; Block Group 8: Block 801, Block 802, Block 803, Block 804; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916; Tract 0294.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906; Tract 0294.04: Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310A, Block 310B, Block 311, Block 312; Block Group 9: Block 901, Block 902, Block 903A, Block 903B, Block 904, Block 905, Block 906, Block 907A, Block 907B, Block 908, Block 909; Tract 0295.01: Block Group 9: Block 901; Tract 0295.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 9: Block 901, Block 902, Block 908, Block 909, Block 910; Tract 0312.03: Block Group 1: Block 101, Block 102, Block 103; Tract 0312.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Tract 0316: Block Group 1: Block 106A, Block 106B, Block 115A, Block 121, Block 123, Block 124; Block Group 2: Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231A, Block 231B, Block 232, Block 233, Block 234A, Block 234B, Block 234C, Block 235; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 520A, Block 521; Block Group 6: Block 615A, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626; Block Group 7: Block 703A, Block 704, Block 705, Block 706, Block 707, Block 708; Block Group 8: Block 801A, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809A; Tract 0317.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906; Tract 0317.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Tract 0318: Block Group 1: Block 104, Block 105, Block 133, Block 134, Block 135; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403; Tract 0320.04: Block Group 1: Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205,

Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Tract 0320.05: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Tract 0320.06: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 213A, Block 213B, Block 214A, Block 214B, Block 215A, Block 215B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413.

District 48: King: Tract 0224: Block Group 4: Block 403, Block 404, Block 409, Block 410, Block 411, Block 412, Block 419, Block 420, Block 421, Block 422, Block 424; Block Group 5: Block 502, Block 503, Block 509, Block 510, Block 511, Block 512; Tract 0225: Block Group 1: Block 106, Block 107, Block 108, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 213, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 306, Block 309; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Block Group 5: Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 514, Block 521; Tract 0226.01: Block Group 1: Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 303, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Tract 0226.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104A, Block 104B, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 120, Block 121A, Block 121B, Block 121C, Block 122, Block 123, Block 124, Block 127, Block 128; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Tract 0227: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 105C, Block 105D, Block 105E, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 211, Block 212, Block 214, Block 217, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321A, Block 321B, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 410, Block 411, Block 412, Block 413, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Block Group 6: Block 601, Block 602, Block 603, Block 605, Block 606, Block 608, Block 609, Block 612, Block 614; Tract 0228.01: Block Group 1: Block 101; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302; Tract 0228.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107A, Block 107B, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213,

Block 214; Tract 0228.03: Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312A, Block 312B; Block Group 4: Block 401, Block 402, Block 403, Block 404; Tract 0229: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 109, Block 110, Block 111, Block 122; Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 308, Block 309, Block 311; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 508A, Block 508B, Block 509; Tract 0230: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402B, Block 402C, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Tract 0231: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 9: Block 901A, Block 901B, Block 902A, Block 902B, Block 903, Block 904; Tract 0232: Block Group 1: Block 101, Block 102, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505; Tract 0233: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Tract 0234.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113; Block Group 2: Block 201; Block Group 3: Block 301, Block 304, Block 305, Block 307, Block 308, Block 310; Tract 0234.02: Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418A, Block 418B, Block 419, Block 420, Block 421, Block 422; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 516; Block Group 6: Block 601B, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608B, Block 609B; Tract 0236.01: Block Group 5: Block 501, Block 502, Block 503; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 609, Block 610, Block 611; Tract 0236.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0237: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 317, Block 319, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; 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Chapter 44.16 RCW LEGISLATIVE INQUIRY

Sections

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| 44.16.010 | Examination of witnesses--Compulsory process. |
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| 44.16.040 | Commission to examine absent witness. |
| 44.16.050 | Commission executed during recess. |
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| 44.16.170 | Record of proceedings. |

Notes:

Reviser's note: "Act" has been translated to "chapter" throughout chapter 44.16 RCW as the entire chapter is composed of 1895 c 6 with the exception of 1897 c 33 § 1, which is supplementary thereto.
Joint administrative rules review committee, subpoena powers: RCW 34.05.675 and 34.05.681.

RCW 44.16.010 Examination of witnesses--Compulsory process.

Every chairman or presiding member of any committee of either the senate or house of representatives, or any joint committee of the senate or house of representatives, which, by the terms of its appointment, shall be authorized to send for persons and papers, shall have power, under the direction of such committee, to issue compulsory process for the attendance of any witness within the state whom the committee may wish to examine.

[1895 c 6 § 1; RRS § 8178.]

RCW 44.16.020 Service of process.

All process provided for in this chapter may be served in the same manner as is provided by law for the service of process in the superior court; and it shall be the duty of any officer to whom any process may be delivered or issued, to serve the same as directed: PROVIDED, That in the service of process a copy thereof shall be delivered to the witness.

[1895 c 6 § 15; RRS § 8192.]

Notes:

Service of summons: RCW 4.28.080.

RCW 44.16.030 Chairman to administer oaths.

The chairman or presiding member of any committee of either the senate, house of representatives, or any joint committee thereof, shall be authorized to administer oaths to all witnesses coming before such committee for examination; and all witnesses who shall testify in any proceeding provided for in this chapter, shall be under oath or affirmation.

[1895 c 6 § 2; RRS § 8179.]

RCW 44.16.040 Commission to examine absent witness.

Every such chairman or presiding member shall also have power, under the direction of the committee, to issue a commission for the examination of any witness who shall be without the jurisdiction of the state, or if within the state, shall be unable to attend, or who shall, for any reasons, be excused by the committee from attendance.

[1895 c 6 § 3; RRS § 8180.]

RCW 44.16.050 Commission executed during recess.

Whenever such committee shall obtain authority for that purpose, from the senate or house, or legislature, by which it may be appointed, it may issue such commission to be executed during the recess of the legislature.

[1895 c 6 § 4; RRS § 8181.]

RCW 44.16.060 To whom directed--Interrogatories.

Every such commission shall be directed to such magistrate or other person, as the committee may designate, and interrogatories framed by the committee shall be annexed thereto.

[1895 c 6 § 5; RRS § 8182.]

RCW 44.16.070 Oath and powers of commissioner.

The person to whom such commission shall be directed, if he reside within the state and accept the trust, shall, before entering upon the execution of his duties, take the oath of office prescribed in the Constitution. Such commissioner shall have power to issue process to compel the attendance of witnesses, whom he shall be required to examine, and shall have power to administer oaths to such witnesses.

[1895 c 6 § 6; RRS § 8183.]

RCW 44.16.080 Examination to be private.

Unless otherwise directed by the committee, it shall in all cases be the duty of the commissioner to examine, in private, every witness attending before him, and not to make public the particulars of such examination, when so made in private, until the same shall be made public by order of the house or legislature appointing the committee.

[1895 c 6 § 7; RRS § 8184.]

RCW 44.16.090 Testimony reduced to writing.

Every witness so attending shall be examined on oath or affirmation, and his testimony shall be reduced to writing by the commissioner, or by some disinterested person in his presence and under the direction of said commissioner, and signed by the witness.

[1895 c 6 § 8; RRS § 8185.]

RCW 44.16.100 Return of depositions.

When a commission shall have been duly executed, the commissioner shall annex thereto the depositions of the witnesses, duly certified by him, and shall, without delay, transmit the same by mail, inclosed and under seal, or deliver the same, to the chairman of the committee by

which the commission shall have been issued, or to such person as by the committee directed.

[1895 c 6 § 9; RRS § 8186.]

RCW 44.16.110 Fees of commissioner and witnesses.

A person executing any such commission shall be paid, out of the state treasury, the same fees that are allowed by law for the taking of depositions on commissions issued out of the superior courts of this state; and any witness attending before either house of the legislature, or any committee or joint committee thereof, or before any such commissioner, shall be so paid two dollars per day for each day in attendance, and five cents a mile for the distance necessarily traveled in attending as such witness.

[1895 c 6 § 10; RRS § 8187.]

RCW 44.16.120 Punishment of recalcitrant witness.

Any person who shall fail to attend as a witness upon any committee appointed by either the house or senate of the state of Washington, or both, after having been duly subpoenaed as provided in this chapter, or who, being in attendance as a witness before such committee, shall refuse to answer any question or produce any paper or document or book which he is required to answer or to produce by such committee, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for a term not longer than six months, or by both such fine and imprisonment.

[1897 c 33 § 1; RRS § 8194.]

Notes:

Witness refusing to attend legislature or committee or to testify: RCW 9.55.020.

RCW 44.16.130 Failure to attend--Contempt.

A person who, being duly summoned to attend as a witness before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, refuses or neglects, without lawful excuse, to attend pursuant to such summons, shall be punished as for contempt, as hereinafter provided.

[1895 c 6 § 11; RRS § 8188.]

RCW 44.16.140 Refusal to testify--Contempt.

A person who, being present before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, wilfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce, upon reasonable notice, any material and proper books, papers or documents in his possession or under his

control, shall be punished as for contempt, as hereinafter provided.

[1895 c 6 § 12; RRS § 8189.]

RCW 44.16.150 Punishment for contempt.

Any person being in contempt, as hereinbefore provided, shall be punished by fine in any sum not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail in the county where such examination is being had, for any period of time not extending beyond the legislative session then being held, or by both such fine and imprisonment, as the legislative body which authorized such examination may order. And in case the contempt arises in a joint proceeding of both houses, or before a joint committee thereof, the senate shall prescribe the penalty.

[1895 c 6 § 13; RRS § 8190.]

Notes:

Contempt: Chapter 7.21 RCW.

Witness refusing to attend legislature or committee or to testify: RCW 9.55.020.

RCW 44.16.160 Warrant of imprisonment.

If any fine is imposed against any person for contempt, as hereinbefore provided, he shall stand committed to the county jail of the county in which the offense was committed until such fine is paid. The presiding officer of the house, fixing the fine, shall issue a warrant to the sheriff of the county where the offense was committed, commanding him to imprison such person in the county jail until such fine is paid, or until he has been imprisoned in such jail one day for every three dollars of such fine.

[1895 c 6 § 14; RRS § 8191.]

RCW 44.16.170 Record of proceedings.

Every such committee shall keep a record of its proceedings under the provisions of this chapter, which record shall be signed by the chairman or presiding officer of the committee, and the same returned to the legislative body by which the committee was appointed, as a part of the report of such committee.

[1895 c 6 § 16; RRS § 8193.]

**Chapter 44.20 RCW
SESSION LAWS**

Sections

44.20.010 Engrossed bills filed with secretary of state.

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| 44.20.020 | Chapter numbers--Bill copies certified, delivered--Citation by number and year. |
| 44.20.030 | Publication of temporary edition. |
| 44.20.050 | Headings, index--Publication of permanent edition. |
| 44.20.060 | Duty of code reviser in arranging laws. |
| 44.20.080 | Private publication restricted. |
| 44.20.090 | Legislative records--Preservation. |

Notes:

Distribution of session laws: RCW 40.04.040.

Public printer to print and bind session laws: RCW 43.78.030.

Revised Code of Washington: Chapter 1.04 RCW.

RCW 44.20.010 Engrossed bills filed with secretary of state.

Whenever any bill shall have passed both houses, the house transmitting the enrolled bill to the governor shall also file with the secretary of state the engrossed bill, together with the history of such bill up to the time of transmission to the governor.

[1907 c 136 § 1; RRS § 8196.]

Notes:

Secretary of state to keep record of acts of the legislature: State Constitution Art. 3 § 17; RCW 43.07.040.

RCW 44.20.020 Chapter numbers--Bill copies certified, delivered--Citation by number and year.

Whenever any bill shall become a law the secretary of state shall number such bill in the order in which it became a law, commencing with each session of the legislature, and shall forthwith certify and deliver three copies of such bill to the statute law committee. Such number shall be in Arabic numerals, and shall be the chapter number of the act when published. A citation to the chapter number and year of the session laws heretofore or hereafter published shall be a sufficient reference to the act so designated.

[1969 c 6 § 1; 1907 c 136 § 2; RRS § 8197.]

RCW 44.20.030 Publication of temporary edition.

The statute law committee, after each and every legislative session, whether regular or extraordinary, shall cause to be reproduced or printed for temporary use separate copies of each act filed in the office of secretary of state within ten days after the filing thereof.

The committee shall cause to be reproduced or printed three thousand copies or such additional number as may be necessary of temporary bound sets of all acts filed in the office of secretary of state within seventy-five days after the final adjournment of the legislature for that year.

[1982 1st ex.s. c 32 § 3; 1969 c 6 § 2; 1961 c 21 § 1; 1933 ex.s. c 31 § 1; 1933 c 27 § 1; 1925 ex.s. c 35 § 1; 1907 c

136 § 3; RRS § 8198.]

Notes:

Distribution of temporary edition of session laws: RCW 40.04.035.

Statute law committee: Chapter 1.08 RCW.

RCW 44.20.050 Headings, index--Publication of permanent edition.

When all of the acts of any session of the legislature and initiative measures enacted by the people since the next preceding session have been certified to the statute law committee, the code reviser employed by the statute law committee shall make the proper headings and index of such acts or laws and, after such work has been completed, the statute law committee shall have published and bound in good buckram at least six hundred copies or such additional copies as may be necessary of such acts and laws, with such headings and indexes, and such other matter as may be deemed essential, including a title page showing the session at which such acts were passed, the date of convening and adjournment of the session, and any other matter deemed proper, including a certificate by the secretary of state of such referendum measures as may have been enacted by the people since the next preceding session.

[1982 1st ex.s. c 32 § 4; 1969 c 6 § 4; 1951 c 157 § 18; 1915 c 27 § 1; 1907 c 136 § 5; RRS § 8200.]

Notes:

Distribution of permanent edition of session laws: RCW 40.04.040.

RCW 44.20.060 Duty of code reviser in arranging laws.

In arranging the laws, memorials and resolutions for publication, the code reviser is hereby authorized to make such corrections in the orthography, clerical errors and punctuation of the same as in his judgment shall be deemed essential: PROVIDED, That when any words or clauses shall be inserted, the same shall be inclosed in brackets; and no correction shall be made which changes the intent or meaning of any sentence, section or act of the legislature.

[1969 c 6 § 5; 1890 p 632 § 8; RRS § 8203.]

RCW 44.20.080 Private publication restricted.

It shall be unlawful for any person to print and publish for sale the session laws of any session in book form within one year after the adjournment of such session, other than those ordered printed by the statute law committee, or to deliver to anyone other than such committee or upon their order any of the session laws so ordered printed by them: PROVIDED, This section shall not apply to any general compilation of the laws of this state or to a compilation of any special laws or laws on any special subject.

[1969 c 6 § 6; 1907 c 136 § 6; RRS § 8201.]

RCW 44.20.090 Legislative records--Preservation.

See RCW 40.14.100 through 40.14.180.

Chapter 44.28 RCW
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

(Formerly: Legislative budget committee)

Sections

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| 44.28.020 | Terms of members--Vacancies. |
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NOTES:

Director of financial management: Chapter 43.41 RCW.

Loan program for mathematics and science teachers--Review of: RCW 28B.15.766.

Personal service contracts, filing with joint legislative audit and review committee required: Chapter 39.29 RCW.

State budgeting, accounting, and reporting: Chapter 43.88 RCW.

Study of funds related to state transportation programs: RCW 44.40.025.

Sunset review process: Chapter 43.131 RCW.

Termination of tax preferences: Chapter 43.136 RCW.

RCW 44.28.005 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Legislative auditor" means the executive officer of the joint legislative audit and review committee.

(2) "Economy and efficiency audits" means performance audits that establish: (a) Whether a state agency or unit of local government receiving state funds is acquiring, protecting, and using its resources such as personnel, property, and space economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; and (c) whether the state agency or local government has complied with significant laws and rules in acquiring, protecting, and using its resources.

(3) "Final compliance report" means a written document, as approved by the joint committee, that states the specific actions a state agency or unit of local government receiving state funds has taken to implement recommendations contained in the final performance audit report and the preliminary compliance report. Any recommendations, including proposed legislation and changes in the agency's rules and practices or the local government's practices, based on testimony received, must be included in the final compliance report.

(4) "Final performance audit report" means a written document adopted by the joint legislative audit and review committee that contains the findings and proposed recommendations made in the preliminary performance audit report, the final recommendations adopted by the joint committee, any comments to the preliminary performance audit report by the joint committee, and any comments to the preliminary performance audit report by the state agency or local government that was audited.

(5) "Joint committee" means the joint legislative audit and review committee.

(6) "Local government" means a city, town, county, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including a public corporation created by such an entity.

(7) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities, or a unit of local government receiving state funds, by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits. A performance audit of a local government may only be made to determine whether the local government is using state funds for their intended purpose in an efficient and effective manner.

(8) "Performance measures" are a composite of key indicators of a program's or activity's inputs, outputs, outcomes, productivity, timeliness, and/or quality. They are means of evaluating policies and programs by measuring results against agreed upon program goals or standards.

(9) "Preliminary compliance report" means a written document that states the specific actions a state agency or unit of local government receiving state funds has taken to implement any recommendations contained in the final performance audit report.

(10) "Preliminary performance audit report" means a written document prepared for review and comment by the joint legislative audit and review committee after the completion of a performance audit. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency or local government audited.

(11) "Program audits" means performance audits that determine: (a) The extent to which desired outcomes or results are being achieved; (b) the causes for not achieving intended

outcomes or results; and (c) compliance with significant laws and rules applicable to the program.

(12) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all elective offices in the executive branch of state government.

[1996 c 288 § 2.]

Notes:

Findings and intent--1996 c 288: "The public expects the legislature to address citizens' increasing demand for the basic services of state government, while limiting the growth in spending. The public demands that public officials and state employees be accountable to provide maximum value for every dollar entrusted to state government. The public believes that it is possible to improve the responsiveness of state government and to save the taxpayers' money, and that efficiency and effectiveness should result in savings.

The legislature, public officials, state employees, and citizens need to know the extent to which state agencies, programs, and activities are achieving the purposes for which they were created. It is essential to compare the conditions, problems, and priorities that led to the creation of government programs with current conditions, problems, and priorities, and to examine the need for and performance of those programs in the current environment.

Along with examining the performance of state agencies and programs, the legislature, public officials, state employees, and citizens must also consider the effect that state government programs can reasonably expect to have on citizens' lives, how the level of programs and services of Washington state government compares with that of other states, and alternatives for service delivery, including other levels of government and the private sector including not-for-profit organizations. It is essential that the legislature, public officials, state employees, and citizens share a common understanding of the role of state government. The performance and relative priority of state agency programs and activities must be the basis for managing and allocating resources within Washington state government.

It is the intent of the legislature to strengthen the role of the current legislative budget committee so that it may more effectively examine how efficiently state agencies perform their responsibilities and whether the agencies are achieving their goals, and whether units of local government are using state funds for their intended purpose in an efficient and effective manner. It is also the intent of the legislature to enact a clear set of definitions for different types of audits in order to eliminate confusion with regard to government reviews." [1996 c 288 § 1.]

RCW 44.28.010 Committee created--Members.

The joint legislative audit and review committee is created, which shall consist of eight senators and eight representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate, and the house members of the committee shall be appointed by the speaker of the house. Not more than four members from each house shall be from the same political party. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year. If before the close of a regular session during an odd-numbered year, the governor issues a proclamation convening the legislature into special session, or the legislature by resolution convenes the legislature into special session, following such regular session, then such appointments shall be made as a matter of closing business of such special session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint or confirm joint committee members, the members of the joint committee from either house in which there is a failure to appoint or confirm shall be elected by the members of such

house.

[1996 c 288 § 3; 1983 c 52 § 1; 1980 c 87 § 30; 1969 c 10 § 4; 1967 ex.s. c 114 § 1; 1963 ex.s. c 20 § 1; 1955 c 206 § 4; 1951 c 43 § 1.]

RCW 44.28.020 Terms of members--Vacancies.

The term of office of the members of the joint committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session during an odd-numbered year or special session following such regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The term of office of joint committee members who do not continue to be members of the senate and house ceases upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election or appointment. Vacancies on the joint committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

[1996 c 288 § 4; 1980 c 87 § 31; 1969 c 10 § 5; 1955 c 206 § 5; 1951 c 43 § 12.]

RCW 44.28.030 Continuation of memberships and powers.

On and after the commencement of a succeeding general session of the legislature, those members of the joint committee who continue to be members of the senate and house, respectively, shall continue as members of the joint committee as indicated in RCW 44.28.020 and the joint committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

[1996 c 288 § 5; 1955 c 206 § 6; 1951 c 43 § 13.]

RCW 44.28.040 Travel expenses.

The members of the joint committee shall serve without additional compensation, but shall be reimbursed for their travel expenses in accordance with RCW 44.04.120 for attending meetings of the joint committee or a subcommittee of the joint committee, or while engaged on other business authorized by the joint committee.

[1996 c 288 § 6; 1975-'76 2nd ex.s. c 34 § 134; 1951 c 43 § 14.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 44.28.050 Expenses of committee--Vouchers.

All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor. The legislative auditor may be

authorized by the *legislative budget committee's executive committee to sign vouchers. Such authorization shall specify a dollar limitation and be set out in writing. A monthly report of such vouchers shall be submitted to the executive committee. If authorization is not given to the legislative auditor then the chair, or the vice-chair in the chair's absence, is authorized to sign vouchers. This authority shall continue until the chair's or vice-chair's successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both.

[1989 c 137 § 1; 1955 c 206 § 7; 1951 c 43 § 15.]

Notes:

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 § 3.

Vouchers on public funds: Chapter 42.24 RCW.

RCW 44.28.055 Administration.

The administration of the joint legislative audit and review committee is subject to RCW 44.04.260.

[2001 c 259 § 2.]

RCW 44.28.060 Executive committee--Legislative auditor--Rules, subcommittees.

The members of the joint committee shall form an executive committee consisting of one member from each of the four major political caucuses, which shall include a chair and a vice-chair. The chair and vice-chair shall serve for a period not to exceed two years. The chair and the vice-chair may not be members of the same political party. The chair shall alternate between the members of the majority parties in the senate and the house of representatives.

Subject to RCW 44.04.260, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee. The executive committee shall recommend applicants for the position of the legislative auditor to the membership of the joint committee. The legislative auditor shall be hired with the approval of a majority of the membership of the joint committee. Subject to RCW 44.04.260, the executive committee shall set the salary of the legislative auditor.

The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this chapter.

[2001 c 259 § 3; 1996 c 288 § 7; 1975 1st ex.s. c 293 § 13; 1951 c 43 § 2.]

NOTES:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.065 Legislative auditor--Duties.

The legislative auditor shall:

(1) Establish and manage the office of the joint legislative audit and review committee to carry out the functions of this chapter;

(2) Direct the audit and review functions described in this chapter and ensure that performance audits are performed in accordance with the "Government Auditing Standards" published by the comptroller general of the United States as applicable to the scope of the audit;

(3) Make findings and recommendations to the joint committee and under its direction to the committees of the state legislature concerning the organization and operation of state agencies and the expenditure of state funds by units of local government;

(4) Subject to RCW 44.04.260, in consultation with and with the approval of the executive committee, hire staff necessary to carry out the purposes of this chapter. Subject to RCW 44.04.260, employee salaries, other than the legislative auditor, shall be set by the legislative auditor with the approval of the executive committee;

(5) Assist the several standing committees of the house and senate in consideration of legislation affecting state departments and their efficiency; appear before other legislative committees; and assist any other legislative committee upon instruction by the joint legislative audit and review committee;

(6) Provide the legislature with information obtained under the direction of the joint legislative audit and review committee;

(7) Maintain a record of all work performed by the legislative auditor under the direction of the joint legislative audit and review committee and keep and make available all documents, data, and reports submitted to the legislative auditor by any legislative committee.

[2001 c 259 § 4; 1996 c 288 § 8; 1975 1st ex.s. c 293 § 17; 1955 c 206 § 9; 1951 c 43 § 11. Formerly RCW 44.28.140.]

NOTES:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.071 Conduct of performance audits.

(1) In conducting performance audits and other reviews, the legislative auditor shall work closely with the chairs and staff of standing committees of the senate and house of representatives, and may work in consultation with the state auditor and the director of financial management.

(2) The legislative auditor may contract with and consult with public and private independent professional and technical experts as necessary in conducting the performance audits. The legislative auditor should also involve front-line employees and internal auditors in the performance audit process to the highest possible degree.

(3) The legislative auditor shall work with the legislative evaluation and accountability program committee and the office of financial management to develop information system capabilities necessary for the performance audit requirements of this chapter.

(4) The legislative auditor shall work with the legislative office of performance review and the office of financial management to facilitate the implementation of effective performance measures throughout state government. In agencies and programs where effective systems for

performance measurement exist, the measurements incorporated into those systems should be a basis for performance audits conducted under this chapter.

[1996 c 288 § 9.]

RCW 44.28.075 Performance audits--Scope.

(1) Subject to the requirements of the performance audit work plan approved by the joint committee under RCW 44.28.083, performance audits may, in addition to the determinations that may be made in such an audit as specified in RCW 44.28.005, include the following:

(a) An examination of the costs and benefits of agency programs, functions, and activities;

(b) Identification of viable alternatives for reducing costs or improving service delivery;

(c) Identification of gaps and overlaps in service delivery, along with corrective action; and

(d) Comparison with other states whose agencies perform similar functions, as well as their relative funding levels and performance.

(2) As part of a performance audit, the legislative auditor may review the costs of programs recently implemented by the legislature to compare actual agency costs with the appropriations provided and the cost estimates that were included in the fiscal note for the program at the time the program was enacted.

[1996 c 288 § 10.]

RCW 44.28.080 Powers--Appropriations, expenses, revenues.

The joint committee has the following powers:

(1) To make examinations and reports concerning whether or not appropriations are being expended for the purposes and within the statutory restrictions provided by the legislature; and concerning the organization and operation of procedures necessary or desirable to promote economy, efficiency, and effectiveness in state government, its officers, boards, committees, commissions, institutions, and other state agencies, and to make recommendations and reports to the legislature.

(2) To make such other studies and examinations of economy, efficiency, and effectiveness of state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto.

(3) To conduct program and fiscal reviews of any state agency or program scheduled for termination under the process provided under chapter 43.131 RCW.

(4) To perform other legislative staff studies of state government or the use of state funds.

(5) To conduct performance audits in accordance with the work plan adopted by the joint committee under *RCW 44.28.180.

(6) To receive a copy of each report of examination or audit issued by the state auditor for examinations or audits that were conducted at the request of the joint committee and to make recommendations as it deems appropriate as a separate addendum to the report or audit.

(7) To develop internal tracking procedures that will allow the legislature to measure the effectiveness of performance audits conducted by the joint committee including, where appropriate, measurements of cost-savings and increases in efficiency and effectiveness in how state agencies deliver their services.

(8) To receive messages and reports in person or in writing from the governor or any other state officials and to study generally any and all business relating to economy, efficiency, and effectiveness in state government and state agencies.

[1996 c 288 § 11; 1975 1st ex.s. c 293 § 14; 1955 c 206 § 10; 1951 c 43 § 4.]

Notes:

***Reviser's note:** RCW 44.28.180 was recodified as RCW 44.28.083 pursuant to 1996 c 288 § 55.

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.083 Performance audit work plans.

(1) During the regular legislative session of each odd-numbered year, beginning with 1997, the joint legislative audit and review committee shall develop and approve a performance audit work plan for the subsequent sixteen to twenty-four-month period and an overall work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plans are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree; and

(c) Whether a follow-up audit would help ensure that previously identified recommendations for improvements were being implemented.

(2) The project description for each performance audit must include start and completion dates, the proposed approach, and cost estimates.

(3) The legislative auditor may consult with the chairs and staff of appropriate legislative committees, the state auditor, and the director of financial management in developing the performance audit work plan.

(4) The performance audit work plan and the overall work plan may include proposals to employ contract resources. As conditions warrant, the performance audit work plan and the overall work plan may be amended from time to time. All performance audit work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives no later than the sixtieth day of the regular legislative session of each odd-numbered year, beginning with 1997. All overall work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

[1996 c 288 § 12; 1993 c 406 § 5. Formerly RCW 44.28.180.]

Notes:

Short title--1993 c 406: See note following RCW 43.88.020.

RCW 44.28.088 Performance audit reports--Preliminary, final.

(1) When the legislative auditor has completed a performance audit authorized in the performance audit work plan, the legislative auditor shall transmit the preliminary performance audit report to the affected state agency or local government and the office of financial management for comment. The agency or local government and the office of financial management shall provide any response to the legislative auditor within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the joint committee. The legislative auditor shall incorporate the response of the agency or local government and the office of financial management into the final performance audit report.

(2) Before releasing the results of a performance audit to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the joint committee for its review, comments, and final recommendations. Any comments by the joint committee must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review, comments, and recommendations of the joint committee, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report available to the public. For purposes of this section, "leadership of the senate and the house of representatives" means the speaker of the house, the majority leaders of the senate and the house of representatives, the minority leaders of the senate and the house of representatives, the caucus chairs of both major political parties of the senate and the house of representatives, and the floor leaders of both major political parties of the senate and the house of representatives.

[1996 c 288 § 13.]

RCW 44.28.091 Compliance reports--Preliminary and final.

(1) No later than nine months after the final performance audit has been transmitted by the joint committee to the appropriate standing committees of the house of representatives and the senate, the joint committee in consultation with the standing committees may produce a preliminary compliance report on the agency's or local government's compliance with the final performance audit recommendations. The agency or local government may attach its comments to the joint committee's preliminary compliance report as a separate addendum.

(2) Within three months after the issuance of the preliminary compliance report, the joint committee may hold at least one public hearing and receive public testimony regarding the findings and recommendations contained in the preliminary compliance report. The joint committee may waive the public hearing requirement if the preliminary compliance report demonstrates that the agency or local government is in compliance with the audit recommendations. The joint committee shall issue any final compliance report within four weeks

after the public hearing or hearings. The legislative auditor shall transmit the final compliance report in the same manner as a final performance audit is transmitted under RCW 44.28.088.

[1996 c 288 § 14.]

RCW 44.28.094 Quality control review of joint committee.

Subject to the joint committee's approval, the office of the joint committee shall undergo an external quality control review within three years of June 6, 1996, and at regular intervals thereafter. The review must be conducted by an independent organization that has experience in conducting performance audits. The quality control review must include, at a minimum, an evaluation of the quality of the audits conducted by the joint committee, an assessment of the audit procedures used by the joint committee, and an assessment of the qualifications of the joint committee staff to conduct performance audits.

[1996 c 288 § 15.]

RCW 44.28.097 Agency documents furnished to joint committee.

All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, as requested by the joint committee, shall be furnished by the agency requested to provide such report.

[1996 c 288 § 18; 1973 1st ex.s. c 197 § 2. Formerly RCW 44.28.087.]

RCW 44.28.100 Reports, minutes.

The joint committee may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The joint committee shall keep complete minutes of its meetings.

[1996 c 288 § 19; 1987 c 505 § 45; 1975 1st ex.s. c 293 § 16; 1951 c 43 § 6.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.110 Examinations--Subpoenas--Depositions.

In the discharge of any duty herein imposed, the committee or any personnel under its authority and its subcommittees shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any state office, department, institution, board, committee, commission or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by laws for taking depositions in civil actions in the superior courts.

[1955 c 206 § 8; 1951 c 43 § 8.]

Notes:

Depositions: Rules of court: CR 26 through 37.

RCW 44.28.120 Contempt proceedings--Recalcitrant witnesses.

In case of the failure on the part of any person to comply with any subpoena issued in behalf of the joint committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the joint committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

[1996 c 288 § 20; 1951 c 43 § 9.]

Notes:

Contempt: Chapter 7.21 RCW.

Legislative inquiry: Chapter 44.16 RCW.

Witness refusing to attend legislature or committee or to testify: RCW 9.55.020.

RCW 44.28.130 Witness fees and mileage.

Each witness who appears before the joint committee by its order, other than a state official or employee, shall receive for his or her attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness, verified by the legislative auditor, and approved by the chair and the vice-chair of the joint committee.

[1996 c 288 § 21; 1951 c 43 § 10.]

Notes:

Witness fees and mileage: Chapter 2.40 RCW.

RCW 44.28.150 Cooperation with legislative committees and others.

The joint committee shall cooperate, act, and function with legislative committees and with the councils or committees of other states similar to this joint committee and with other interstate research organizations.

[1996 c 288 § 22; 1975 1st ex.s. c 293 § 18; 1951 c 43 § 7.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.155 WorkFirst program evaluation.

(1) The joint legislative audit and review committee shall conduct an evaluation of the effectiveness of the WorkFirst program described in chapter 58, Laws of 1997, including the job opportunities and basic skills training program and any approved private, county, or local government WorkFirst program. The evaluation shall assess the success of the program in assisting clients to become employed and to reduce their use of temporary assistance for needy families. The study shall include but not be limited to the following:

(a) An assessment of employment outcomes, including hourly wages, hours worked, and total earnings, for clients;

(b) A comparison of temporary assistance for needy families outcomes, including grant amounts and program exits, for clients; and

(c) An audit of the performance-based contract for each private nonprofit contractor for job opportunities and basic skills training program services. The joint legislative audit and review committee may contract with the Washington institute for public policy for appropriate portions of the evaluation required by this section.

(2) Administrative data shall be provided by the department of social and health services, the employment security department, the state board for community and technical colleges, local governments, and private contractors. The department of social and health services shall require contractors to provide administrative and outcome data needed for this study as a condition of contract compliance.

[1997 c 58 § 705.]

Notes:

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 44.28.800 Legislation affecting mentally ill persons--Report to legislature.

The joint legislative audit and review committee shall conduct an evaluation of the efficiency and effectiveness of chapter 297, Laws of 1998 in meeting its stated goals. Such an evaluation shall include the operation of the state mental hospitals and the regional support networks, as well as any other appropriate entity. The joint legislative audit and review committee shall prepare an interim report of its findings which shall be delivered to the appropriate legislative committees of the house of representatives and the senate no later than September 1, 2000. In addition, the joint legislative audit and review committee shall prepare a final report of its findings which shall be delivered to the appropriate legislative committees of the house of representatives and the senate no later than January 1, 2001.

[1998 c 297 § 61.]

Notes:

Effective dates--Severability--Intent--1998 c 297: See notes following RCW 71.05.010.

RCW 44.28.900 Severability--1951 c 43.

If any section, subsection, paragraph or provision of this chapter shall be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder

of this chapter.

[1951 c 43 § 16.]

Chapter 44.39 RCW
JOINT COMMITTEE ON ENERGY SUPPLY

(Formerly: Joint committee on energy and utilities)

Sections

| | |
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| 44.39.070 | Meetings--Energy supply alert or energy emergency--Duties. |

NOTES:

Energy supply emergencies, alerts: Chapter 43.21G RCW.

RCW 44.39.010 Committee created.

There is hereby created the joint committee on energy supply of the legislature of the state of Washington.

[2001 c 214 § 30; 1977 ex.s. c 328 § 13; 1969 ex.s. c 260 § 1.]

NOTES:

Severability--Effective date--2001 c 214: See notes following RCW 80.50.010.

Findings--2001 c 214: See note following RCW 39.35.010.

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.015 Composition--Appointment of members.

The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall appoint four members from the senate to serve on the committee, including the chair of the committee responsible for energy issues. Two members from each major political party must be appointed.

(2) The speaker or co-speakers of the house of representatives shall appoint four members from the house of representatives to serve on the committee, including the chair or co-chairs of the committee responsible for energy issues. Two members from each major political party must be appointed.

(3) The committee shall elect a chair and a vice-chair. The chair shall be a member of the house of representatives in even-numbered years and a member of the senate in odd-numbered

years. In the case of a tie in the membership of the house of representatives in an even-numbered year, the committee shall elect co-chairs from the house of representatives in that year.

[2001 c 214 § 31; 1977 ex.s. c 328 § 14; 1969 ex.s. c 260 § 2.]

NOTES:

Severability--Effective date--2001 c 214: See notes following RCW 80.50.010.

Findings--2001 c 214: See note following RCW 39.35.010.

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.020 Terms.

Members shall serve until their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, at the next succeeding regular session of the legislature during an odd-numbered year, or until they are no longer members of the legislature, whichever is sooner.

[1980 c 87 § 38; 1977 ex.s. c 328 § 15; 1969 ex.s. c 260 § 3.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.025 Vacancies.

The presiding officer of the appropriate legislative chamber shall fill any vacancies occurring on the committee by appointment from the same political party as the departing member. Notwithstanding the provisions of RCW 44.39.015 as now or hereafter amended, any such appointee shall be deemed installed as a member upon appointment. Members filling vacancies shall serve until they or their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, or until they are no longer members of the legislature, whichever is sooner.

[1977 ex.s. c 328 § 16; 1969 ex.s. c 260 § 4.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.038 Study of state building code relating to energy.

The senate and house committees on energy and utilities shall make continuing studies of the state building code as it relates to energy consumption, conservation and retention and shall submit their recommendations concerning such to the legislature periodically.

[1977 ex.s. c 14 § 13.]

Notes:

Severability--1977 ex.s. c 14: See RCW 19.27.905.

Energy-related building standards: Chapter 19.27A RCW.

RCW 44.39.039 State-wide thermal efficiency and lighting code--Adoption by state building code council.

See RCW 19.27A.020.

RCW 44.39.045 Expenses and per diem.

The members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred while attending sessions of the committee or any subcommittee of the committee, or while engaged in other committee business authorized by the committee, as provided for in RCW 44.04.120.

[1969 ex.s. c 260 § 8.]

RCW 44.39.050 Payment of expenses--Vouchers.

All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the director of financial management and signed by the chairman of the committee. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee.

[1979 c 151 § 156; 1969 ex.s. c 260 § 9.]

RCW 44.39.060 Examinations--Subpoenas--Depositions--Contempt proceedings--Witness fees.

In the discharge of any duty imposed by this chapter, the committee or any personnel acting under its direction shall have the authority to examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency; to administer oaths; and to issue subpoenas, upon approval of a majority of the members of the house or senate rules committee, to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In case of the failure of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil

cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the chairman of the committee.

[1977 ex.s. c 328 § 17.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.070 Meetings--Energy supply alert or energy emergency--Duties.

The committee shall only meet and function during a condition of energy supply alert or energy emergency. Upon the declaration by the governor of a condition of energy supply alert or energy emergency, the committee on energy and utilities shall meet to receive any plans proposed by the governor for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy supply alert or energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The committee shall review such plans and matters and shall transmit its recommendations to the governor for review. The committee shall review any voluntary programs or local or regional programs for the production, allocation, or consumption of energy which have been submitted to the committee.

The committee shall receive any request from the governor for the approval of a declaration of a condition of energy emergency as provided in RCW 43.21G.040 as now or hereafter amended and shall either approve or disapprove such request.

During a condition of energy supply alert, the committee shall receive any request from the governor for an extension of the condition of energy supply alert for an additional sixty consecutive days and the findings upon which such request is based and shall either approve or disapprove such request.

During a condition of energy emergency the committee shall receive any request from the governor for an extension of the condition of energy emergency for an additional forty-five consecutive days and the finding upon which any such request is based and shall either approve or disapprove such request.

[1977 ex.s. c 328 § 18.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

Chapter 44.40 RCW
LEGISLATIVE TRANSPORTATION COMMITTEE--SENATE AND HOUSE
TRANSPORTATION COMMITTEES

Sections

44.40.010 Creation--Composition--Appointments--Vacancies--Rules.

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| 44.40.020 | Powers, duties, and studies. |
| 44.40.025 | Study of transportation-related funds or accounts--Coordination of activities. |
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| 44.40.100 | Contracts and programs authorized. |
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| 44.40.140 | Review of policy on fees imposed on nonpolluting fuels--Report. |
| 44.40.150 | Study--Recommendations for consideration--Staffing. |

NOTES:

Review of rules for private carrier drivers: RCW 46.73.010.

Study reports available to legislators: RCW 47.01.145.

RCW 44.40.010 Creation--Composition--Appointments--Vacancies--Rules.

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

On May 27, 1999, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before May 27, 1999, are terminated, and the committee shall hold a new election of officers.

The committee shall adopt rules and procedures for its orderly operation.

[1999 sp.s. c 1 § 616; 1980 c 87 § 39; 1971 ex.s. c 195 § 1; 1967 ex.s. c 145 § 68; 1965 ex.s. c 170 § 64; 1963 ex.s. c 3 § 35.]

Notes:

Severability--Effective date--1999 sp.s. c 1: See notes following RCW 43.19.1906.

Severability--1971 ex.s. c 195: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other

circumstances is not affected." [1971 ex.s. c 195 § 21.]

RCW 44.40.013 Administration.

The administration of the legislative transportation committee is subject to RCW 44.04.260.

[2001 c 259 § 5.]

RCW 44.40.015 Executive committee--Selection--Duties.

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to RCW 44.04.260, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, and subject to RCW 44.04.260, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation committee staff utilization.

[2001 c 259 § 6; 1999 sp.s. c 1 § 617.]

NOTES:

Severability--Effective date--1999 sp.s. c 1: See notes following RCW 43.19.1906.

RCW 44.40.020 Powers, duties, and studies.

(1) The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation committees.

(2) The committee may review and approve franchise agreements entered into by the department of transportation under *RCW 43.51.113.

[1996 c 129 § 9; 1977 ex.s. c 235 § 5; 1975 1st ex.s. c 268 § 1; 1963 ex.s. c 3 § 36.]

Notes:

***Reviser's note:** RCW 43.51.113 was recodified as RCW 79A.05.125 pursuant to 1999 c 249 § 1601.

Intent--Effective date--Severability--1996 c 129: See notes following RCW 79A.05.115.

Powers set forth in chapter 111, Laws of 1947: "Sec. 2. The committee is hereby authorized and

directed to ascertain, study and analyze all available facts and matters relating or pertaining to: (a) A study of the policies relating to and the cost of the administration, operation, construction and maintenance of public highways and streets of the state, with recommendations for such changes as may be deemed necessary;

(b) the need for and cost of bringing the highways and streets in the state to acceptable standards, the cost of maintaining them in such condition, the need and cost of expanding the highway and street systems of the state to meet the increasing demands for travel and the demands arising from the changing economic and industrial development, and the determination of long-range programs to provide the needed construction;

(c) the making of a study of motor vehicle taxation including the assignment of the total highway costs among property owners, general taxpayers and highway users;

(d) the determination of the portion of highway and street operation and construction costs assignable to the various highway users and classes of users so that all vehicles and classes of vehicles shall bear their fair share of such costs;

(e) the determination of the tax basis and rates to be exacted from each vehicle or user;

(f) a determination of what roads should be included in the state highway system and what changes should be made in the existing system;

(g) other studies of motor vehicle transport economics including but not limited to the inspection of motor vehicles to insure the safety of operation upon the highways, the control of loads and weights for the protection of the highway and street investments, and a study of such other factors and conditions as may appear necessary;

(h) the revision of any and all laws bearing upon or relating to the subject of this resolution together with the committee's recommendations for appropriate legislation. [1947 c 111 § 2.]

Sec. 3. The committee is authorized to act during this session of the legislature, including any recess, and after final adjournment until the commencement of the next regular session. It shall file a final report not later than the 15th legislative day of the next regular session. The committee may prepare and submit a preliminary report to the legislature at any extraordinary session which may be convened. [1947 c 111 § 3.]

Sec. 4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon legislative committees and their members by the provisions of chapter 6, Laws of 1895 and chapter 33, Laws of 1897 (secs. 8178 through 8194, Rem. Rev. Stat.; secs. 722-1, -3, -5, -7, -9, -11, -13, -15, -17, -19, -21, -23, -25, -27, -29, -31, and -33, PPC) [chapter 44.16 RCW] and shall have additional powers: (a) To select a chairman and vice-chairman from its membership;

(b) to employ an executive secretary and such expert, clerical and other help as may be necessary to carry out its duties;

(c) to cooperate with and secure the cooperation of county, city and other local law enforcement agencies in investigating any matter within the scope of this act and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee;

(d) to do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this act." [1947 c 111 § 4.]

Reviser's note: Successive study authorizations, not codified in RCW, are to be found in the various session laws subsequent to 1947, for example: 1949 c 213; 1951 c 269; 1953 c 254; 1955 c 384; 1957 c 172; 1959 c 319; 1961 ex.s. c 21; 1963 ex.s. c 3; 1965 ex.s. c 170; 1967 ex.s. c 145; 1969 ex.s. c 281; 1970 ex.s. c 85; 1971 ex.s. c 195; 1973 1st ex.s. c 210; 1975 1st ex.s. c 268; 1977 ex.s. c 235; and 1979 ex.s. c 192.

Legislative transportation committee duties in conjunction with transportation commission: See note following RCW 47.01.071.

RCW 44.40.025 Study of transportation-related funds or accounts--Coordination of activities.

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability

program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

[1996 c 288 § 49; 1981 c 270 § 15; 1977 ex.s. c 235 § 6; 1975 1st ex.s. c 293 § 19; 1971 ex.s. c 195 § 2.]

Notes:

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

RCW 44.40.030 Participation in activities of other organizations.

In addition to the powers and duties heretofore conferred upon it, the legislative transportation committee may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the department of licensing; and (4) such other organizations as it deems necessary and appropriate.

[1982 c 227 § 17; 1977 ex.s. c 235 § 7; 1971 ex.s. c 195 § 3; 1963 ex.s. c 3 § 38.]

Notes:

Effective date--1982 c 227: See note following RCW 19.09.100.

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

RCW 44.40.040 Members' allowances--Procedure for payment of committee's expenses.

The members of the legislative transportation committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. Subject to RCW 44.04.260, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds

appropriated for the expenses of the committee.

[2001 c 259 § 7; 1979 c 151 § 157; 1977 ex.s. c 235 § 8; 1975 1st ex.s. c 268 § 3; 1971 ex.s. c 195 § 4; 1963 ex.s. c 3 § 39.]

NOTES:

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

RCW 44.40.070 State transportation agencies--Comprehensive programs and financial plans.

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

[1998 c 245 § 87; 1988 c 167 § 10; 1979 ex.s. c 192 § 3; 1979 c 158 § 112; 1977 ex.s. c 235 § 9; 1973 1st ex.s. c 201 § 1.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective dates--1979 ex.s. c 192: "Section 6 of this 1979 act shall take effect July 1, 1980. Sections 1 through 5 of this 1979 act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1979." [1979 ex.s. c 192 § 7.]

Revenue forecasts: RCW 43.88.122.

RCW 44.40.080 State transportation agencies--Recommended budget--Preparation and presentation--Contents.

Notwithstanding any other provision of law, state transportation agencies shall prepare and present to the governor and to the legislature prior to its convening a recommended budget for the ensuing biennium. The biennial budget shall include details of expenditures, and performance and public service criteria for the transportation programs and activities of each agency in consonance with said agency's adopted six-year comprehensive program and financial plan.

[1973 1st ex.s. c 201 § 2.]

RCW 44.40.090 Delegation of powers and duties to senate and house transportation committees.

Subject to RCW 44.04.260, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation committee is not appointed.

[2001 c 259 § 8; 1977 ex.s. c 235 § 10; 1973 1st ex.s. c 210 § 2.]

RCW 44.40.100 Contracts and programs authorized.

Subject to RCW 44.04.260, the legislative transportation committee and the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of this chapter; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

[2001 c 259 § 9; 1977 ex.s. c 235 § 11; 1975 1st ex.s. c 268 § 7; 1973 1st ex.s. c 210 § 3.]

RCW 44.40.120 Periodic review of plans for bicycle, pedestrian, and equestrian facilities.

The house and senate transportation committees shall periodically review the six-year comprehensive plans submitted by cities and counties for expenditures for bicycle, pedestrian, and equestrian facilities prepared pursuant to RCW 35.77.010 and 36.81.121.

[1977 ex.s. c 235 § 12; 1975 1st ex.s. c 268 § 2.]

RCW 44.40.140 Review of policy on fees imposed on nonpolluting fuels--Report.

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation committee shall review the policy of the state concerning fees imposed on non-polluting fuels under RCW 82.38.075, and shall report its findings and recommendations for change, if any, to the legislature.

[1983 c 212 § 2.]

RCW 44.40.150 Study--Recommendations for consideration--Staffing.

(1) The legislative transportation committee shall undertake a study and develop recommendations for legislative and executive consideration that will:

- (a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;
- (b) Enhance the accountability and organizational soundness of all transportation modes;
- (c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;
- (d) Encourage private sector support and financial participation in project development

and construction of transportation projects;

(e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;

(f) Explore alternatives for the establishment of an integrated and balanced multimodal state-wide transportation system to meet the needs of the 21st century; and

(g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation committee in carrying out its duties under this section.

(3) The legislative transportation committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

[1998 c 245 § 88; 1989 1st ex.s. c 6 § 14.]

Notes:

Severability--1989 1st ex.s. c 6: See note following RCW 46.68.110.

Chapter 44.44 RCW

OFFICE OF STATE ACTUARY--JOINT COMMITTEE ON PENSION POLICY

Sections

| | |
|-----------|---|
| 44.44.010 | Office of state actuary--Created--Qualifications. |
| 44.44.015 | Administration. |
| 44.44.030 | Personnel--Participation of American academy of actuaries. |
| 44.44.040 | Powers and duties--Actuarial fiscal notes. |
| 44.44.050 | Joint committee on pension policy--Membership, terms, leadership. |
| 44.44.060 | Joint committee on pension policy--Powers and duties. |
| 44.44.900 | Severability--1975-'76 2nd ex.s. c 105. |

NOTES:

Department of retirement systems: Chapter 41.50 RCW.

RCW 44.44.010 Office of state actuary--Created--Qualifications.

(1) There is hereby created an office within the legislative branch to be known as the office of the state actuary.

(2) The executive head of the office shall be the state actuary who shall be qualified by education and experience in the field of actuarial science.

[1987 c 25 § 1; 1975-'76 2nd ex.s. c 105 § 19.]

RCW 44.44.015 Administration.

The administration of the joint committee on pension policy is subject to RCW 44.04.260.

[2001 c 259 § 10.]

RCW 44.44.030 Personnel--Participation of American academy of actuaries.

(1) Subject to RCW 44.04.260, the state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the joint committee on pension policy, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

(2) All actuarial valuations and experience studies performed by the office of the state actuary shall be signed by a member of the American academy of actuaries. If the state actuary is not such a member, the state actuary, after approval by the committee, shall contract for a period not to exceed two years with a member of the American academy of actuaries to assist in developing actuarial valuations and experience studies.

[2001 c 259 § 11; 1987 c 25 § 2; 1975-'76 2nd ex.s. c 105 § 21.]

RCW 44.44.040 Powers and duties--Actuarial fiscal notes.

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under *RCW 46.44.050.

[1987 c 25 § 3; 1986 c 317 § 6; 1975-'76 2nd ex.s. c 105 § 22.]

Notes:

***Reviser's note:** The reference to RCW 46.44.050 is in error. RCW 44.44.050 was apparently intended.
Legislative findings--Intent--Severability--1986 c 317: See notes following RCW 41.40.150.

RCW 44.44.050 Joint committee on pension policy--Membership, terms, leadership.

(1) There is hereby created a joint committee on pension policy. The committee shall consist of: (a) Eight members of the senate appointed by the president of the senate, four of whom shall be members of the majority party and four of whom shall be members of the minority party; and (b) eight members of the house of representatives appointed by the speaker, four of whom shall be members of the majority party and four of whom shall be members of the minority party. Members of the committee shall be appointed before the close of the 1987 legislative session and before the close of each regular session during an odd-numbered year thereafter.

(2) Each member's term of office shall run from the close of the session in which he or she was appointed until the close of the next regular session held in an odd-numbered year. If a successor is not appointed during a session, the member's term shall continue until the member is reappointed or a successor is appointed. The term of office for a committee member who does not continue as a member of the senate or house shall cease upon the convening of the next session of the legislature during an odd-numbered year after the member's appointment, or upon the member's resignation, whichever is earlier. Vacancies on the committee shall be filled by appointment in the same manner as described in subsection (1) of this section. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

(3) The committee shall elect a chairperson and a vice-chairperson. The chairperson shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.

(4) The committee shall establish an executive committee of four members, including the chairperson and the vice-chairperson, representing the majority and minority caucuses of each house.

[1987 c 25 § 4.]

RCW 44.44.060 Joint committee on pension policy--Powers and duties.

The joint committee on pension policy shall have the following powers and duties:

(1) Study pension issues, develop pension policies for public employees in state retirement systems, and make recommendations to the legislature;

(2) Study the financial condition of the state pension systems, develop funding policies, and make recommendations to the legislature; and

(3) Appoint or remove the state actuary by a two-thirds vote of the committee.

[1987 c 25 § 5.]

RCW 44.44.900 Severability--1975-'76 2nd ex.s. c 105.

See note following RCW 41.04.270.

Chapter 44.48 RCW

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Sections

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| 44.48.010 | Committee created--Composition. |
| 44.48.020 | Terms of members--Vacancies. |
| 44.48.030 | Continuation of memberships, powers, duties, etc. |
| 44.48.040 | Travel expenses of members--Reimbursement. |
| 44.48.045 | Administration. |
| 44.48.050 | Expenses of committee--Vouchers. |
| 44.48.060 | Officers and rules. |
| 44.48.070 | Committee's duties with respect to data processing capability for fiscal matters--LEAP defined. |
| 44.48.080 | Duties of LEAP administration. |
| 44.48.090 | Committee's powers. |
| 44.48.100 | Reports to legislature--Minutes. |
| 44.48.110 | Witness fees and mileage. |
| 44.48.120 | LEAP administrator and other assistants--Employment--Duties of LEAP administrator. |
| 44.48.130 | Exemption from department of information services. |
| 44.48.140 | Cooperation with legislative committees and others. |
| 44.48.900 | Severability--1977 ex.s. c 373. |

NOTES:

Alternative economic and revenue forecasts to be provided at the request of the legislative evaluation and accountability program committee: RCW 82.33.030.

RCW 44.48.010 Committee created--Composition.

There is hereby created a legislative evaluation and accountability program committee which shall consist of four senators and four representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than two members from each house shall be from the same political party. All members shall be appointed before the close of the 1977 session of the legislature and before the close of each regular session during an odd-numbered year thereafter. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house.

[1980 c 87 § 40; 1977 ex.s. c 373 § 1.]

RCW 44.48.020 Terms of members--Vacancies.

The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.48.010 until the close of the next regular session during an

odd-numbered year, or, in the event that such appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election, or appointment. Vacancies on the committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

[1980 c 87 § 41; 1977 ex.s. c 373 § 2.]

RCW 44.48.030 Continuation of memberships, powers, duties, etc.

On and after the commencement of a succeeding regular session of the legislature during an odd-numbered year, those members of the committee who continue to be members of the senate and house, respectively, shall continue as members of the committee as indicated in RCW 44.48.020 and the committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

[1980 c 87 § 42; 1977 ex.s. c 373 § 3.]

RCW 44.48.040 Travel expenses of members--Reimbursement.

The members of the committee shall serve without additional compensation, but shall be reimbursed in accordance with RCW 44.04.120 while attending sessions of the committee or meetings of any subcommittee of the committee, or on other committee business authorized by the committee.

[1977 ex.s. c 373 § 4.]

RCW 44.48.045 Administration.

The administration of the legislative evaluation and accountability program committee is subject to RCW 44.04.260.

[2001 c 259 § 12.]

RCW 44.48.050 Expenses of committee--Vouchers.

Subject to RCW 44.04.260, all expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the administrator and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated by law for the committee: PROVIDED, That the senate and the house may authorize the committee to draw on funds appropriated by the legislature for

legislative expenses.

[2001 c 259 § 13; 1977 ex.s. c 373 § 5.]

RCW 44.48.060 Officers and rules.

The committee shall have the power and duty to appoint its own chairman, vice chairman, and other officers; and to make rules for orderly procedure.

[1977 ex.s. c 373 § 6.]

RCW 44.48.070 Committee's duties with respect to data processing capability for fiscal matters--LEAP defined.

The committee shall acquire a data processing service capability under the exclusive jurisdiction and control of the legislature acting through the committee and its administrator for the purpose of providing the legislature and its staff with the type of information required for in-depth analysis and monitoring of state agency expenditures, budgets, and related fiscal matters. The legislative evaluation and accountability program established in this section may be referred to in this chapter as the LEAP administration.

[1977 ex.s. c 373 § 7.]

RCW 44.48.080 Duties of LEAP administration.

To carry out the provisions of RCW 44.48.070 the LEAP administration shall provide for:

- (1) Automated data bases and application systems in support of legislative requirements to monitor, evaluate, analyze, report, and review;
- (2) Maintenance of computer software, application programs, data bases, and related documentation;
- (3) Education, training, and programming services;
- (4) Procedural documentation support; and
- (5) Consulting assistance on special projects.

[1977 ex.s. c 373 § 8.]

RCW 44.48.090 Committee's powers.

The committee shall have the following powers:

- (1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;
- (2) To suggest changes relative to state accounting and reporting systems to the office of financial management or its successor and to require timely written responses to such suggestions; and

(3) Subject to RCW 44.04.260, to enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process.

[2001 c 259 § 14; 1979 c 151 § 158; 1977 ex.s. c 373 § 9.]

RCW 44.48.100 Reports to legislature--Minutes.

The committee shall have the power to make reports to the legislature. The committee shall keep complete minutes of its meetings.

[1987 c 505 § 46; 1977 ex.s. c 373 § 10.]

RCW 44.48.110 Witness fees and mileage.

Each person who appears before the committee, other than a state official or employee, may upon request receive for attendance the fees and mileage provided for witnesses in civil cases in courts of record in accordance with the provisions of RCW 2.40.010, which shall be audited and paid upon the presentation of proper vouchers signed by such person and approved by the secretary and chairman of the committee.

[1977 ex.s. c 373 § 11.]

RCW 44.48.120 LEAP administrator and other assistants--Employment--Duties of LEAP administrator.

The committee is hereby authorized and empowered to appoint an officer to be known as the LEAP administrator who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee.

Subject to RCW 44.04.260, the committee is hereby authorized and empowered to select and employ temporary and permanent personnel and fix their salaries.

The duties of the administrator shall be as follows:

- (1) To manage the LEAP operations.
- (2) To assist the several standing committees of the house and senate; to appear before other legislative committees; and to assist any other legislative committee upon instruction by the committee.
- (3) To provide the legislature with information obtained under the direction of the committee.
- (4) To maintain a record of all work performed by the administrator under the direction of the committee and to keep and make available all documents, data, and reports submitted to the administrator by any legislative committee.

[2001 c 259 § 15; 1977 ex.s. c 373 § 12.]

RCW 44.48.130 Exemption from department of information services.

The committee is hereby expressly exempted from the provisions of chapter 43.105

RCW.

[1977 ex.s. c 373 § 13.]

RCW 44.48.140 Cooperation with legislative committees and others.

The committee shall cooperate, act, and function with Washington state legislative committees and may cooperate with the councils or committees of other states similar to this committee and with other interstate research organizations.

[1977 ex.s. c 373 § 14.]

RCW 44.48.900 Severability--1977 ex.s. c 373.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1977 ex.s. c 373 § 16.]

Chapter 44.52 RCW

LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT

Sections

| | |
|-----------|---|
| 44.52.010 | Purpose--Legislative committee on economic development created--Membership. |
| 44.52.020 | Subcommittees--Rules of procedure. |
| 44.52.030 | Powers--Study and review of economic issues. |
| 44.52.040 | Staff support. |
| 44.52.050 | Travel expenses. |
| 44.52.060 | Payment of expenses. |
| 44.52.070 | Cooperation with other committees, agencies, and councils. |
| 44.52.900 | Severability--1985 c 467. |
| 44.52.901 | Effective date--1985 c 467. |

RCW 44.52.010 Purpose--Legislative committee on economic development created--Membership.

(1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment

opportunities to Washington residents.

(2) There is created a legislative committee on economic development which shall consist of six senators and six representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than three members from each house shall be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority.

[1985 c 467 § 17.]

RCW 44.52.020 Subcommittees--Rules of procedure.

The committee shall by majority vote establish subcommittees, and prescribe rules of procedure for itself and its subcommittees which are consistent with this chapter. The committee shall at a minimum establish a subcommittee on international trade and a subcommittee on industrial development.

[1985 c 467 § 18.]

RCW 44.52.030 Powers--Study and review of economic issues.

The committee or its subcommittees are authorized to study and review economic development issues with special emphasis on international trade, tourism, investment, and industrial development, and to assist the legislature in developing a comprehensive and consistent economic development policy. The issues under review by the committee shall include, but not be limited to:

(1) Evaluating existing state policies, laws, and programs which promote or affect economic development with special emphasis on those concerning international trade, tourism, and investment and determine their cost-effectiveness and level of cooperation with other public and private agencies.

(2) Monitoring economic trends, and developing for review by the legislature such appropriate state responses as may be deemed effective and appropriate.

(3) Monitoring economic development policies and programs of other states and nations and evaluating their effectiveness.

(4) Determining the economic impact of international trade, tourism, and investment upon the state's economy.

(5) Assessing the need for and effect of federal, regional, and state cooperation in economic development policies and programs.

(6) Developing and evaluating legislative proposals concerning the issues specified in this section.

[1985 c 467 § 19.]

RCW 44.52.040 Staff support.

The committee shall receive the necessary staff support from both the senate and house staff resources.

[1985 c 467 § 20.]

RCW 44.52.050 Travel expenses.

The members of the committee shall serve without additional compensation, but shall be reimbursed for their travel expenses, in accordance with RCW 44.04.120, incurred while attending sessions of the committee or meetings of any subcommittee of the committee, while engaged on other committee business authorized by the committee, and while going to and coming from committee sessions or committee meetings.

[1985 c 467 § 21.]

RCW 44.52.060 Payment of expenses.

All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor and signed by the chairperson or vice chairperson of the committee and attested by the secretary of the committee, and the authority of the chairperson and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both.

[1985 c 467 § 22.]

RCW 44.52.070 Cooperation with other committees, agencies, and councils.

The committee shall cooperate, act, and function with legislative committees, executive agencies, and with the councils or committees of other states similar to this committee and with other interstate research organizations.

[1985 c 467 § 23.]

RCW 44.52.900 Severability--1985 c 467.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1985 c 467 § 25.]

RCW 44.52.901 Effective date--1985 c 467.

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

[1985 c 467 § 26.]

**Chapter 44.68 RCW
JOINT LEGISLATIVE SYSTEMS COMMITTEE**

Sections

| | |
|-----------|---|
| 44.68.010 | Definitions. |
| 44.68.020 | Committee created--Members, terms, vacancies, officers, rules. |
| 44.68.030 | Administrative committee--Membership, coordinator as secretary. |
| 44.68.035 | Administration. |
| 44.68.040 | Legislative systems coordinator--Employment, duties. |
| 44.68.050 | Administrative committee--Powers and duties. |
| 44.68.060 | Joint legislative service center--Duties--Protection of information--Bill drafts. |
| 44.68.070 | Legislative systems revolving fund. |
| 44.68.080 | Scope of requirements of this chapter. |
| 44.68.090 | Systems committee, administrative committee members--Travel expenses. |
| 44.68.100 | Electronic access to legislative information. |

RCW 44.68.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative committee" means the legislative systems administrative committee created under RCW 44.68.030.

(2) "Center" means the joint legislative service center established under RCW 44.68.060.

(3) "Coordinator" means the legislative systems coordinator employed under RCW 44.68.040.

(4) "Systems committee" means the joint legislative systems committee created under RCW 44.68.020.

[1986 c 61 § 1.]

RCW 44.68.020 Committee created--Members, terms, vacancies, officers, rules.

(1) The joint legislative systems committee is created to oversee the direction of the information processing and communications systems of the legislature and to enforce the policies, procedures, and standards established under this chapter. The systems committee consists of four members as follows:

(a) A member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives; and

(b) A member from each of the two largest caucuses in the senate, appointed by the majority leader of the senate.

(2) Members shall serve two-year terms, beginning with their appointment in the regular legislative session held in an odd-numbered year and continuing until their successors are appointed and qualified. In case of a vacancy, the original appointing authority shall appoint another member of the same party as the vacating member.

(3) The systems committee shall choose its own presiding officer and other necessary officers from among its membership, and shall make rules for orderly procedure.

[1993 c 332 § 1; 1986 c 61 § 2.]

RCW 44.68.030 Administrative committee--Membership, coordinator as secretary.

(1) The legislative systems administrative committee is created to manage the information processing and communications systems of the legislature. The administrative committee consists of five members appointed as follows:

(a) The secretary of the senate, and another senate staff person appointed by and serving at the pleasure of the secretary;

(b) The chief clerk of the house of representatives, and another house of representatives staff person appointed by and serving at the pleasure of the chief clerk; and

(c) The code reviser, or the code reviser's designee, serving in a nonvoting capacity.

(2) The coordinator shall serve as the secretary of the administrative committee.

[1986 c 61 § 3.]

RCW 44.68.035 Administration.

The administration of the joint legislative systems committee is subject to RCW 44.04.260.

[2001 c 259 § 16.]

RCW 44.68.040 Legislative systems coordinator--Employment, duties.

Subject to RCW 44.04.260:

(1) The systems committee, after consultation with the administrative committee, shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the systems committee, which shall fix the coordinator's salary.

(2) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee.

[2001 c 259 § 17; 1986 c 61 § 4.]

RCW 44.68.050 Administrative committee--Powers and duties.

The administrative committee shall, subject to the approval of the systems committee and subject to RCW 44.04.260:

(1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;

(2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;

(3) Employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;

(4) Enter into contracts for (a) the sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter and (b) the distribution of legislative information;

(5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee.

[2001 c 259 § 18; 1986 c 61 § 5.]

RCW 44.68.060 Joint legislative service center--Duties--Protection of information--Bill drafts.

(1) The administrative committee, subject to the approval of the systems committee, shall establish a joint legislative service center. The center shall provide automatic data processing services, equipment, training, and support to the legislature and legislative agencies. The center may also, by agreement, provide services to agencies of the judicial and executive branch. All operations of the center shall be subject to the general supervision of the administrative committee in accordance with the policies, procedures, and standards established under RCW 44.68.050.

(2) Except as provided otherwise in subsection (3) of this section, determinations regarding the security, disclosure, and disposition of information placed or maintained in the center shall rest solely with the originator and shall be made in accordance with any law regulating the disclosure of such information. The originator is the person who directly places information in the center.

(3) When utilizing the center to carry out the bill drafting functions required under RCW 1.08.027, the code reviser shall be considered the originator as defined in RCW 44.68.060. However, determinations regarding the security, disclosure, and disposition of drafts placed or maintained in the center shall be made by the person requesting the code reviser's services and the code reviser, acting as the originator, shall comply with and carry out such determinations as directed by that person. A measure once introduced shall not be considered a draft under this subsection.

[1986 c 61 § 6.]

RCW 44.68.070 Legislative systems revolving fund.

The legislative systems revolving fund is established in the custody of the state treasurer. All moneys received by the systems committee, the administrative committee, and the center shall be deposited in the fund. Moneys in the fund may be spent only for expenses approved by the systems committee for the purposes of this chapter. Disbursements from the fund shall be on vouchers signed by both the presiding officer of the systems committee and the coordinator. No appropriation is required for disbursements from the fund. The senate and house of representatives may transfer moneys appropriated for legislative expenses to the fund, in addition to charges made under RCW 44.68.050(2).

[1986 c 61 § 7.]

RCW 44.68.080 Scope of requirements of this chapter.

The information and communications functions of the legislature and legislative agencies are subject to the requirements of this chapter, and the standards, policies, and procedures established under this chapter.

[1986 c 61 § 8.]

RCW 44.68.090 Systems committee, administrative committee members--Travel expenses.

Members of the systems committee and of the administrative committee shall be reimbursed for travel expenses under RCW 44.04.120 or 43.03.050 and 43.03.060, as appropriate, while attending meetings of their respective committees or on other official business authorized by their respective committees.

[1986 c 61 § 9.]

RCW 44.68.100 Electronic access to legislative information.

The legislature and legislative agencies through the joint legislative systems committee, shall:

- (1) Continue to plan for and implement processes for making legislative information available electronically;
- (2) Promote and facilitate electronic access to the public of legislative information and services;
- (3) Establish technical standards for such services;
- (4) Consider electronic public access needs when planning new information systems or major upgrades of information systems;
- (5) Develop processes to determine which legislative information the public most wants and needs;
- (6) Increase capabilities to receive information electronically from the public and

transmit forms, applications and other communications and transactions electronically;

(7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without extensive technology ability; and

(8) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities.

[1996 c 171 § 4.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

**Title 46 RCW
MOTOR VEHICLES**

Chapters

- 46.01 Department of licensing.**
- 46.04 Definitions.**
- 46.08 General provisions.**
- 46.09 Off-road and nonhighway vehicles.**
- 46.10 Snowmobiles.**
- 46.12 Certificates of ownership and registration.**
- 46.16 Vehicle licenses.**
- 46.20 Drivers' licenses--Identical cards.**
- 46.21 Driver license compact.**
- 46.23 Nonresident violator compact.**
- 46.25 Uniform Commercial Driver's License Act.**
- 46.29 Financial responsibility.**
- 46.30 Mandatory liability insurance.**
- 46.32 Vehicle inspection.**
- 46.37 Vehicle lighting and other equipment.**
- 46.38 Vehicle equipment safety compact.**
- 46.39 Interstate compact for school bus safety.**
- 46.44 Size, weight, load.**
- 46.48 Transportation of hazardous materials.**
- 46.52 Accidents--Reports--Abandoned vehicles.**
- 46.55 Towing and impoundment.**
- 46.61 Rules of the road.**
- 46.63 Disposition of traffic infractions.**
- 46.64 Enforcement.**
- 46.65 Washington Habitual Traffic Offenders Act.**
- 46.68 Disposition of revenue.**
- 46.70 Dealers and manufacturers.**

- 46.71 Automotive repair.**
- 46.72 Transportation of passengers in for hire vehicles.**
- 46.72A Limousines.**
- 46.73 Private carrier drivers.**
- 46.74 Ride sharing.**
- 46.76 Motor vehicle transporters.**
- 46.79 Hulk haulers and scrap processors.**
- 46.80 Vehicle wreckers.**
- 46.81 Traffic safety education courses.**
- 46.81A Motorcycle skills education program.**
- 46.82 Driver training schools.**
- 46.83 Traffic schools.**
- 46.85 Reciprocal or proportional registration of vehicles.**
- 46.87 Proportional registration.**
- 46.88 Out-of-state commercial vehicles--Intrastate permits.**
- 46.90 Washington Model Traffic Ordinance.**
- 46.94 Motorcycle dealers' franchise act.**
- 46.96 Manufacturers' and dealers' franchise agreements.**
- 46.98 Construction.**

Notes:

Aircraft and airman regulations: Chapter 14.16 RCW.

Aircraft dealers: Chapter 14.20 RCW.

Ambulances and drivers: RCW 70.54.060, 70.54.065.

Auto transportation companies: Title 81 RCW.

Bicycles, regulation by cities: Chapter 35.75 RCW.

Buses, unlawful conduct on: RCW 9.91.025.

Consumer protection: Chapter 19.86 RCW.

Crimes

controlled substances, seizure and forfeiture of vehicles: RCW 69.50.505.

driving while intoxicated while engaged in occupational duties: RCW 9.91.020.

firearms in vehicle: RCW 9.41.050, 9.41.060.

taking motor vehicle without permission: RCW 9A.56.070.

vehicle prowling: RCW 9A.52.095, 9A.52.100.

Emission control program: Chapter 70.120 RCW.

Explosives, regulation: Chapter 70.74 RCW.

Fireworks, regulation, transportation: Chapter 70.77 RCW.

Highway funds, use, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).

Hulk haulers and scrap processors: Chapter 46.79 RCW.

Juveniles, court to forward record to director of licensing: RCW 13.50.200.

Leases: Chapter 62A.2A RCW.

"Lemon Law": Chapter 19.118 RCW.

Limited access highways, violations: RCW 47.52.120.

Littering: Chapter 70.93 RCW.

Marine employees--Public employment relations: Chapter 47.64 RCW.

Motor boat regulation: Chapter 79A.60 RCW.

Motor vehicle

fuel tax: Chapter 82.36 RCW.

use tax: Chapter 82.12 RCW.

Motor vehicle fund income from United States securities--Exemption from reserve fund requirement: RCW 43.84.095.

State patrol: Chapter 43.43 RCW.

Toll bridges: Chapters 47.56, 47.60 RCW.

Traffic control at work sites: RCW 47.36.200 through 47.36.230.

Traffic safety commission: Chapter 43.59 RCW.

Warranties, express: Chapter 19.118 RCW.

Chapter 46.01 RCW
DEPARTMENT OF LICENSING

Sections

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|-----------|--|
| 46.01.011 | Purpose. |
| 46.01.020 | Department created. |
| 46.01.030 | Administration and improvement of certain motor vehicle laws. |
| 46.01.040 | Powers, duties, and functions relating to motor vehicle laws vested in department. |
| 46.01.070 | Functions performed by state patrol as agent for director of licenses transferred to department. |
| 46.01.100 | Organization of department. |
| 46.01.110 | Rule-making authority. |
| 46.01.115 | Rules to implement 1998 c 165. |
| 46.01.130 | Powers of department and director--Personnel--Appointment of county auditors as agents. |
| 46.01.140 | Special deputies and subagents of director--Disposition of application fees. |
| 46.01.150 | Branch offices. |
| 46.01.160 | Forms for applications, licenses, and certificates. |
| 46.01.170 | Seal. |
| 46.01.180 | Oaths and acknowledgments. |
| 46.01.190 | Designation of state patrol as agent for surrender of drivers' licenses. |
| 46.01.230 | Payment by check or money order--Regulations--Surrender of canceled license--Handling fee for dishonored checks. |
| 46.01.235 | Payment by credit or debit card. |
| 46.01.250 | Certified copies of records--Fee. |
| 46.01.260 | Destruction of records by director. |
| 46.01.270 | Destruction of records by county auditor. |
| 46.01.290 | Director to make annual reports to governor. |
| 46.01.310 | Immunity of licensing agents. |
| 46.01.320 | Title and registration advisory committee. |
| 46.01.325 | Agent and subagent fees--Analysis and evaluation. |
| 46.01.330 | Facilities siting coordination. |
| 46.01.340 | Data base of fuel dealer and distributor license information. |
| 46.01.350 | Fuel tax advisory group. |

Notes:

Extension or modification of licensing, certification, or registration period authorized--Rules and regulations, manner and content: RCW 43.24.140.

Gambling commission, administrator and staff for: RCW 9.46.080.

Health, department of, functions transferred to: RCW 43.70.901.

Public bodies may retain collection agencies to collect public debts--Fees: RCW 19.16.500.

RCW 46.01.011 Purpose.

The legislature finds that the department of licensing administers laws relating to the licensing and regulation of professions, businesses, gambling, and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. The laws administered by the department have the common denominator of licensing and regulation and are directed toward protecting and enhancing the well-being of the residents of the state.

[1994 c 92 § 500; 1979 c 158 § 113; 1977 ex.s. c 334 § 1.]

Notes:

Effective date--1977 ex.s. c 334: "This 1977 amendatory act shall take effect on July 1, 1977." [1977 ex.s. c 334 § 8.]

RCW 46.01.020 Department created.

A department of the government of this state to be known as the "department of licensing" is hereby created.

[1979 c 158 § 114; 1977 ex.s. c 334 § 2; 1965 c 156 § 2.]

Notes:

Effective date--1977 ex.s. c 334: See note following RCW 46.01.011.

RCW 46.01.030 Administration and improvement of certain motor vehicle laws.

The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol and traffic safety commission;
- (11) such other activities as the legislature may provide.

[1990 c 250 § 14; 1965 c 156 § 3.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.01.040 Powers, duties, and functions relating to motor vehicle laws vested in department.

The department of licensing is vested with all powers, functions, and duties with respect to and including the following:

- (1) The motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) The special fuel tax as provided in chapter 82.38 RCW;
- (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) The house trailer excise tax as provided in chapter 82.50 RCW;
- (5) All general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) Certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) The registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) Dealers' licenses as provided in chapter 46.70 RCW;
- (9) The licensing of motor vehicle transporters as provided in chapter 46.76 RCW;
- (10) The licensing of *motor vehicle wreckers as provided in chapter 46.80 RCW;
- (11) The administration of the laws relating to reciprocal or proportional registration of motor vehicles as provided in chapter 46.85 RCW;
- (12) The licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) Operators' licenses as provided in chapter 46.20 RCW;
- (14) Commercial driver training schools as provided in chapter 46.82 RCW;
- (15) Financial responsibility as provided in chapter 46.29 RCW;
- (16) Accident reporting as provided in chapter 46.52 RCW;
- (17) Disposition of revenues as provided in chapter 46.68 RCW; and
- (18) The administration of all other laws relating to motor vehicles vested in the director of licenses on June 30, 1965.

[1983 c 3 § 117; 1979 c 158 § 115; 1965 c 156 § 4.]

NOTES:

***Reviser's note:** "Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

RCW 46.01.070 Functions performed by state patrol as agent for director of licenses transferred to department.

Functions named in RCW 46.01.030 which have been performed by the state patrol as agent of the director of licenses before June 30, 1965 shall be performed by the department of licensing after June 30, 1965.

[1979 c 158 § 118; 1965 c 156 § 7.]

RCW 46.01.100 Organization of department.

Directors shall organize the department in such manner as they may deem necessary to segregate and conduct the work of the department.

[1990 c 250 § 16; 1965 c 156 § 10.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.01.110 Rule-making authority.

The director of licensing is hereby authorized to adopt and enforce such reasonable rules as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW: PROVIDED, That the director of licensing may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

[1995 c 403 § 108; 1979 c 158 § 120; 1965 c 156 § 11; 1961 c 12 § 46.08.140. Prior: 1937 c 188 § 79; RRS § 6312-79. Formerly RCW 46.08.140.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 46.01.115 Rules to implement 1998 c 165.

The department of licensing may adopt rules as necessary to implement chapter 165, Laws of 1998.

[1998 c 165 § 14.]

Notes:

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.01.130 Powers of department and director--Personnel--Appointment of county auditors as agents.

The department of licensing shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the

county auditors of the several counties as his agents for the licensing of vehicles.

[1979 c 158 § 121; 1973 c 103 § 2; 1971 ex.s. c 231 § 8; 1965 c 156 § 13; 1961 c 12 § 46.08.090. Prior: 1937 c 188 § 26; RRS § 6312-26; prior: 1921 c 96 § 3, part; 1917 c 155 § 2, part; 1915 c 142 § 3, part. Formerly RCW 46.08.090.]

Notes:

Severability--1973 c 103: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 103 § 9.]

Effective date--1971 ex.s. c 231: "(1) Sections 1 through 7 of this 1971 amendatory act shall take effect on January 1, 1972.

(2) Sections 8 through 23 of this 1971 amendatory act shall take effect on January 1, 1973." [1971 ex.s. c 231 § 24.]

RCW 46.01.140 Special deputies and subagents of director--Disposition of application fees.

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the

name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional fifty cents, which must be collected and remitted to the state treasurer for deposit into the department of licensing services account of the motor vehicle fund. Revenue deposited into this account must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(5) A subagent shall collect a service fee of (a) eight dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) three dollars and fifty cents for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section.

[2001 c 331 § 1; 1996 c 315 § 1; 1992 c 216 § 1; 1991 c 339 § 16; 1990 c 250 § 89; 1988 c 12 § 1; 1987 c 302 § 1; 1985 c 380 § 12. Prior: 1983 c 77 § 1; 1983 c 26 § 1; 1980 c 114 § 2; 1979 c 158 § 122; 1975 1st ex.s. c 146 § 1; 1973 c 103 § 1; 1971 ex.s. c 231 § 9; 1971 ex.s. c 91 § 3; 1965 c 156 § 14; 1963 c 85 § 1; 1961 c 12 § 46.08.100; prior: 1955 c 89 § 3; 1937 c 188 § 27; RRS § 6312-27. Formerly RCW 46.08.100.]

NOTES:

Effective dates--1996 c 315 §§ 1, 4, 5: "(1) Section 4 of this act and the amendments to RCW 46.01.140(4) (a) and (c) by section 1 of this act become effective on vehicle fees due or to become due on January 1, 1997, and thereafter.

(2) Section 5 of this act and the amendments to RCW 46.01.140(4) (a) and (c) by section 1 of this act become effective on vessel fees due or to become due on July 1, 1997, and thereafter.

(3) The amendments to RCW 46.01.140(5) (a) and (b) by section 1 of this act become effective on July 1, 1996." [1996 c 315 § 6.]

Effective date--1991 c 339 §§ 16, 17: "Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 339 § 34.]

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1987 c 302: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 302 § 5.]

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.01.150 Branch offices.

The department may maintain such branch offices within the state as the director may deem necessary properly to carry out the powers and duties vested in the department.

[1965 c 156 § 15.]

Notes:

Office of department, maintenance at state capital: RCW 43.17.050.

RCW 46.01.160 Forms for applications, licenses, and certificates.

The director shall prescribe and provide suitable forms of applications, certificates of ownership and registration, drivers' licenses and all other forms and licenses requisite or deemed necessary to carry out the provisions of Title 46 RCW and any other laws the enforcement and administration of which are vested in the department.

[1965 c 156 § 16.]

Notes:

Director to prescribe forms for applications, licenses, and certificates: RCW 43.24.040.

RCW 46.01.170 Seal.

The department shall have an official seal with the words "Department of Licensing of Washington" engraved thereon.

[1977 ex.s. c 334 § 4; 1965 c 156 § 17.]

Notes:

Effective date--1977 ex.s. c 334: See note following RCW 46.01.011.

RCW 46.01.180 Oaths and acknowledgments.

Officers and employees of the department designated by the director are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures and shall do so without fee.

[1965 c 156 § 18.]

Notes:

Oath of director: RCW 43.17.030.

RCW 46.01.190 Designation of state patrol as agent for surrender of drivers' licenses.

The director of licensing may designate the Washington state patrol as an agent to secure the surrender of drivers' licenses which have been suspended, revoked, or canceled pursuant to law.

[1979 c 158 § 123; 1965 c 156 § 19.]

RCW 46.01.230 Payment by check or money order--Regulations--Surrender of canceled license--Handling fee for dishonored checks.

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified that such certificate, license, or permit has been canceled pursuant to this section. Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the holder of the certificate, license, or permit, and recording the transmittal on an affidavit of first class mail.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee may be assessed for each such instrument. Notwithstanding provisions of any other laws, county auditors, agents, and subagents, appointed or approved by the director pursuant to RCW 46.01.140, may collect restitution, and where they have collected restitution may retain the reasonable handling fee. The amount of the reasonable handling fee may be set by rule by the director.

(4) In those counties where the county auditor has been appointed an agent of the director under RCW 46.01.140, the auditor shall continue to process mail-in registration renewals until directed otherwise by legislative authority.

[1994 c 262 § 1; 1992 c 216 § 2; 1987 c 302 § 2; 1979 ex.s. c 136 § 39; 1979 c 158 § 124; 1975 c 52 § 1; 1965 ex.s. c 170 § 44.]

Notes:

Severability--1987 c 302: See note following RCW 46.01.140.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.01.235 Payment by credit or debit card.

The department may adopt necessary rules and procedures to allow use of credit and debit cards for payment of fees and excise taxes to the department and its agents or subagents related to vehicle and vessel titling and registration. The department may establish a convenience fee to be paid by the credit or debit card user whenever a credit or debit card is chosen as the payment method. The fee must be sufficient to offset the charges imposed on the department and its agents and subagents by credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state.

The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

[1999 c 271 § 1.]

RCW 46.01.250 Certified copies of records--Fee.

The director shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director certified copies of any records of the department, except those for confidential use only. The director shall charge and collect therefor the actual cost to the department. Any funds accruing to the director of licensing under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund.

[1979 c 158 § 125; 1967 c 32 § 3; 1961 c 12 § 46.08.110. Prior: 1937 c 188 § 80; RRS § 6312-80. Formerly RCW 46.08.110.]

RCW 46.01.260 Destruction of records by director.

(1) Except as provided in subsection (2) of this section, the director, in his or her discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his or her office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.520 and 46.61.522 or records of deferred prosecutions granted under RCW 10.05.120 and shall maintain such records permanently on file.

(b) The director shall not, within fifteen years from the date of conviction or adjudication,

destroy records of the following:

(i) Convictions or adjudications of the following offenses: RCW 46.61.502 or 46.61.504;

or

(ii) If the offense was originally charged as one of the offenses designated in (a) or (b)(i) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249 or any other violation that was originally charged as one of the offenses designated in (a) or (b)(i) of this subsection.

(c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

[1999 c 86 § 2; 1998 c 207 § 3; 1997 c 66 § 11; 1996 c 199 § 4; 1994 c 275 § 14; 1984 c 241 § 1; 1971 ex.s. c 22 § 1; 1965 ex.s. c 170 § 45; 1961 c 12 § 46.08.120. Prior: 1955 c 76 § 1; 1951 c 241 § 1; 1937 c 188 § 77; RRS § 6312-77. Formerly RCW 46.08.120.]

NOTES:

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--1996 c 199: See note following RCW 9.94A.505.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.01.270 Destruction of records by county auditor.

The county auditor may destroy applications for vehicle licenses and any copies of vehicle licenses issued after such records have been on file in the auditor's office for a period of eighteen months, unless otherwise directed by the director.

[1991 c 339 § 18; 1967 c 32 § 4; 1961 c 12 § 46.08.130. Prior: 1937 c 188 § 78; RRS § 6312-78. Formerly RCW 46.08.130.]

RCW 46.01.290 Director to make annual reports to governor.

The director shall report annually to the governor on the activities of the department.

[1977 c 75 § 66; 1967 c 32 § 5; 1965 c 28 § 1; 1961 ex.s. c 21 § 29. Formerly RCW 46.08.200.]

RCW 46.01.310 Immunity of licensing agents.

No civil suit or action may ever be commenced or prosecuted against any county auditor, or against any other government officer or entity, or against any other person, by reason of any act done or omitted to be done in connection with the titling, licensing, or registration of vehicles or vessels while administering duties and responsibilities as an agent of the director of licensing, or as an agent of an agent of the director of licensing, pursuant to RCW 46.01.140. However, this section does not bar the state of Washington or the director of licensing from bringing any action, whether civil or criminal, against any such agent, nor shall it bar a county auditor or other agent of the director from bringing an action against his or her agent.

[1987 c 302 § 3.]

Notes:

Retroactive application--1987 c 302 § 3: "Section 3 of this act shall apply retroactively to all claims for which actions have not been filed before May 8, 1987." [1987 c 302 § 4.]

Severability--1987 c 302: See note following RCW 46.01.140.

RCW 46.01.320 Title and registration advisory committee.

The title and registration advisory committee is created within the department. The committee consists of the director or a designee, who shall serve as chair, the assistant director for vehicle services, the administrator of title and registration services, two members from each of the house and senate transportation committees, two county auditors nominated by the Washington association of county officials, and two representatives of subagents nominated by an association of vehicle subagents. The committee shall meet at least twice a year, and may meet as often as is necessary.

The committee's purpose is to foster communication between the legislature, the department, county auditors, and subagents. The committee shall make recommendations when requested by the legislative transportation committee, or on its own initiative, about revisions to fee structures, implications of fee revisions on cost sharing, and the development of standard contracts provided for in RCW 46.01.140(3).

[1996 c 315 § 2; 1992 c 216 § 3.]

RCW 46.01.325 Agent and subagent fees--Analysis and evaluation.

(1) The director shall prepare, with the advice of the title and registration advisory committee, an annual comprehensive analysis and evaluation of agent and subagent fees. The director shall make recommendations for agent and subagent fee revisions approved by the title and registration advisory committee to the legislative transportation committee by January 1st of every third year starting with 1996. Fee revision recommendations may be made more frequently when justified by the annual analysis and evaluation, and requested by the title and registration advisory committee.

(2) The annual comprehensive analysis and evaluation must consider, but is not limited to:

(a) Unique and significant financial, legislative, or other relevant developments that may impact fees;

(b) Current funding for ongoing operating and maintenance automation project costs affecting revenue collection and service delivery;

(c) Future system requirements including an appropriate sharing of costs between the department, agents, and subagents;

(d) Beneficial mix of customer service delivery options based on a fee structure commensurate with quality performance standards;

(e) Appropriate indices projecting state and national growth in business and economic conditions prepared by the United States department of commerce, the department of revenue, and the revenue forecast council for the state of Washington.

[1996 c 315 § 3.]

RCW 46.01.330 Facilities siting coordination.

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply.

[1993 sp.s. c 23 § 46.]

Notes:

Effective dates--1993 sp.s. c 23: See note following RCW 43.89.010.

RCW 46.01.340 Data base of fuel dealer and distributor license information.

By December 31, 1996, the department of licensing shall implement a PC or server-based data base of fuel dealer and distributor license application information.

[1996 c 104 § 17.]

RCW 46.01.350 Fuel tax advisory group.

By July 1, 1996, the department of licensing shall establish a fuel tax advisory group comprised of state agency and petroleum industry representatives to develop or recommend audit and investigation techniques, changes to fuel tax statutes and rules, information protocols that allow sharing of information with other states, and other tools that improve fuel tax administration or combat fuel tax evasion.

[1996 c 104 § 18.]

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DEFINITIONS**

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"Traffic infraction, finding that has been committed" defined: RCW 46.20.270.

RCW 46.04.010 Scope and construction of terms.

Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

[1961 c 12 § 46.04.010. Prior: 1959 c 49 § 2; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.015 Alcohol concentration.

"Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) grams of alcohol per one hundred milliliters of a person's blood.

[1995 c 332 § 17; 1994 c 275 § 1.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--1994 c 275: "This act shall be known as the "1994 Omnibus Drunk Driving Act."" [1994 c 275 § 43.]

Effective date--1994 c 275: "This act shall take effect July 1, 1994." [1994 c 275 § 46.]

RCW 46.04.020 Alley.

"Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

[1961 c 12 § 46.04.020. Prior: 1959 c 49 § 3; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.030 Arterial highway.

"Arterial highway" means every public highway, or portion thereof, designated as such by proper authority.

[1961 c 12 § 46.04.030. Prior: 1959 c 49 § 4; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.040 Authorized emergency vehicle.

"Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state patrol, or any other vehicle authorized in writing by the state patrol.

[1987 c 330 § 701; 1961 c 12 § 46.04.040. Prior: 1959 c 49 § 5; 1953 c 40 § 1; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.04.050 Auto stage.

"Auto stage" means any motor vehicle used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: PROVIDED, That no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any city or town or the corporate limits of any adjoining cities or towns.

[1961 c 12 § 46.04.050. Prior: 1959 c 49 § 6; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943

§ 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.060 Axle.

"Axle" means structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve.

[1961 c 12 § 46.04.060. Prior: 1959 c 49 § 7; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.071 Bicycle.

"Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter.

[1982 c 55 § 4; 1965 ex.s. c 155 § 86.]

RCW 46.04.080 Business district.

"Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

[1975 c 62 § 2; 1961 c 12 § 46.04.080. Prior: 1959 c 49 § 9; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.085 Camper.

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in RCW 46.04.305.

[1971 ex.s. c 231 § 2.]

Notes:

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.090 Cancel.

"Cancel," in all its forms, means invalidation indefinitely.

[1979 c 61 § 1; 1961 c 12 § 46.04.090. Prior: 1959 c 49 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.100 Center line.

"Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers.

[1975 c 62 § 3; 1961 c 12 § 46.04.100. Prior: 1959 c 49 § 11; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.110 Center of intersection.

"Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways.

[1961 c 12 § 46.04.110. Prior: 1959 c 49 § 12; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.115 Chauffeur.

"Chauffeur" means a person authorized by the department under this title to drive a limousine, and, if operating in a port district that regulates limousines under RCW 46.72A.030(2), meets the licensing requirements of that port district.

[1996 c 87 § 1.]

RCW 46.04.120 City street.

"City street" means every public highway, or part thereof located within the limits of cities and towns, except alleys.

[1961 c 12 § 46.04.120. Prior: 1959 c 49 § 13; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.125 Collector.

"Collector" means the owner of one or more vehicles described in RCW 46.16.305(1) who collects, purchases, acquires, trades, or disposes of the vehicle or parts of it, for his or her personal use, in order to preserve, restore, and maintain the vehicle for hobby or historical purposes.

[1996 c 225 § 2.]

Notes:

Finding--1996 c 225: "The legislature finds and declares that constructive leisure pursuits by Washington

citizens is most important. This act is intended to encourage responsible participation in the hobby of collecting, preserving, restoring, and maintaining motor vehicles of historic and special interest, which hobby contributes to the enjoyment of the citizens and the preservation of Washington's automotive memorabilia." [1996 c 225 § 1.]

RCW 46.04.127 Collegiate license plates.

"Collegiate license plates" means license plates that display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

[1994 c 194 § 1.]

RCW 46.04.130 Combination of vehicles.

"Combination of vehicles" means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer.

[1963 c 154 § 26; 1961 c 12 § 46.04.130. Prior: 1959 c 49 § 14; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.140 Commercial vehicle.

"Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

[1961 c 12 § 46.04.140. Prior: 1959 c 49 § 15; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.150 County road.

"County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway.

[1961 c 12 § 46.04.150. Prior: 1959 c 49 § 16; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.160 Crosswalk.

"Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk.

[1961 c 12 § 46.04.160. Prior: 1959 c 49 § 17; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.162 Department.

The term "department" shall mean the department of licensing unless a different department is specified.

[1979 c 158 § 126; 1975 c 25 § 4. Formerly RCW 46.04.690.]

RCW 46.04.163 Director.

The term "director" shall mean the director of licensing unless the director of a different department of government is specified.

[1979 c 158 § 127; 1975 c 25 § 5. Formerly RCW 46.04.695.]

RCW 46.04.165 Driveaway-towaway operation.

"Driveaway-towaway operation" means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported when one set or more wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

[1963 c 154 § 27.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.167 Driver education.

Whenever the term "driver education" is used in the code, it shall be defined to mean "traffic safety education".

[1969 ex.s. c 218 § 12. Formerly RCW 46.04.700.]

RCW 46.04.168 Driving privilege withheld.

"Driving privilege withheld" means that the department has revoked, suspended, or denied a person's Washington state driver's license, permit to drive, driving privilege, or nonresident driving privilege.

[1999 c 6 § 2.]

Notes:

Intent--1999 c 6: "(1) This act is intended to edit some of the statutes relating to driver's licenses in order to make those statutes more comprehensible to the citizenry of the state of Washington. The legislature does not intend to make substantive changes in the meaning, interpretation, court construction, or constitutionality of any provision of chapter 46.20 RCW or other statutory provisions or rules adopted under those provisions.

(2) This act is technical in nature and does not terminate or in any way modify any rights, proceedings, or liabilities, civil or criminal, that exist on July 25, 1999." [1999 c 6 § 1.]

RCW 46.04.169 Electric-assisted bicycle.

"Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than one thousand watts, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour.

[1997 c 328 § 1.]

RCW 46.04.170 Explosives.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

[1961 c 12 § 46.04.170. Prior: 1959 c 49 § 18; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]

RCW 46.04.180 Farm tractor.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

[1961 c 12 § 46.04.180. Prior: 1959 c 49 § 19; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.181 Farm vehicle.

"Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

[1967 c 202 § 1.]

RCW 46.04.182 Farmer.

"Farmer" means any person, firm, partnership or corporation engaged in farming. If a person, firm, partnership or corporation is engaged in activities in addition to that of farming, the

definition shall only apply to that portion of the activity that is defined as farming in RCW 46.04.183.

[1969 ex.s. c 281 § 58.]

RCW 46.04.183 Farming.

"Farming" means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations.

[1969 ex.s. c 281 § 59.]

RCW 46.04.187 Flammable liquid.

"Flammable liquid" means any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device.

[1961 c 12 § 46.04.210. Prior: 1959 c 49 § 22; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3. Formerly RCW 46.04.210.]

RCW 46.04.190 For hire vehicle.

"For hire vehicle" means any motor vehicle used for the transportation of persons for compensation, except auto stages and ride-sharing vehicles.

[1979 c 111 § 13; 1961 c 12 § 46.04.190. Prior: 1959 c 49 § 20; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--1979 c 111: See note following RCW 46.74.010.

Ride sharing: Chapter 46.74 RCW.

RCW 46.04.194 Garbage truck.

"Garbage truck" means a truck specially designed and used exclusively for garbage or refuse operations.

[1983 c 68 § 1.]

RCW 46.04.197 Highway.

Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

[1965 ex.s. c 155 § 87. Formerly RCW 46.04.431.]

RCW 46.04.200 Hours of darkness.

"Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred feet.

[1961 c 12 § 46.04.200. Prior: 1959 c 49 § 21; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.215 Ignition interlock device--Other biological or technical device--Definitions.

"Ignition interlock device" means breath alcohol analyzing ignition equipment, certified by the state patrol, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage, and "other biological or technical device" means any device meeting the standards of the National Highway Traffic Safety Administration or the state patrol, designed to prevent the operation of a motor vehicle by a person who is impaired by alcohol or drugs. The state patrol shall by rule provide standards for the certification, installation, repair, and removal of the devices.

[1997 c 229 § 9; 1994 c 275 § 23; 1987 c 247 § 3. Formerly RCW 46.20.730.]

Notes:

Effective date--1997 c 229: See note following RCW 10.05.090.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.04.220 Intersection area.

(1) "Intersection area" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway shall not constitute an intersection.

[1975 c 62 § 4; 1961 c 12 § 46.04.220. Prior: 1959 c 49 § 23; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.240 Intersection control area.

"Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection.

[1961 c 12 § 46.04.240. Prior: 1959 c 49 § 25; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.251 Kit vehicle.

"Kit vehicle" means a passenger car or light truck assembled from a manufactured kit, and is either (1) a complete kit consisting of a prefabricated body and chassis used to construct a new vehicle, or (2) a kit consisting of a prefabricated body to be mounted on an existing vehicle chassis and drive train, commonly referred to as a donor vehicle.

[1996 c 225 § 5.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.04.260 Laned highway.

"Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic.

[1961 c 12 § 46.04.260. Prior: 1959 c 49 § 27; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.270 Legal owner.

"Legal owner" means a person having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or the lessor of a vehicle unencumbered by a security interest.

[1975 c 25 § 1; 1961 c 12 § 46.04.270. Prior: 1959 c 49 § 28; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]

RCW 46.04.272 Lightweight stud.

"Lightweight stud" means a stud intended for installation and use in a vehicle tire. As used in this title, this means a stud that is recommended by the manufacturer of the tire for the type and size of the tire and that:

(1) Weighs no more than 1.5 grams if the stud conforms to Tire Stud Manufacturing Institute (TSMI) stud size 14 or less;

(2) Weighs no more than 2.3 grams if the stud conforms to TSMI stud size 15 or 16; or

(3) Weighs no more than 3.0 grams if the stud conforms to TSMI stud size 17 or larger.

A lightweight stud may contain any materials necessary to achieve the lighter weight.

[1999 c 219 § 1.]

RCW 46.04.274 Limousine, etc.

"Limousine" means a category of for hire, chauffeur-driven, unmetered, unmarked luxury motor vehicles that meets one of the following definitions:

(1) "Stretch limousine" means an automobile with a seating capacity of not more than twelve passengers in the rear seating area. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States department of transportation. The automobile is equipped with amenities in the rear seating area not normally found in passenger cars. These amenities may include, but are not limited to a television, musical sound system, telephone, ice storage, power-operated dividers, or additional interior lighting. The term "stretch limousine" excludes trucks, auto transportation companies, excursion buses, charter buses, minibuses, vehicles regulated under chapter 81.66 RCW, taxicabs, executive sedans, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(2) "Executive sedan" means a four-door sedan automobile having a seating capacity of not more than three passengers behind the driver and a minimum wheelbase of 114.5 inches. An executive sedan is equipped with standard factory amenities, and the wheelbase may not be altered. The term "executive sedan" excludes trucks, auto transportation companies, excursion buses, minibuses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(3) "Executive van" means a van, minivan, or minibus having a seating capacity of not less than seven passengers and not more than fourteen passengers behind the driver. The term "executive van" excludes trucks, auto transportation companies, excursion buses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sedans, funeral home vehicles, station wagons, and courtesy vans.

(4) "Classic car" means a fine or distinctive, American or foreign automobile that is thirty years old or older.

[1996 c 87 § 2.]

RCW 46.04.276 Limousine carrier.

"Limousine carrier" means a person engaged in the transportation of a person or group of persons, who, under a single contract, acquires, on a prearranged basis, the use of a limousine to travel to a specified destination or for a particular itinerary. The term "prearranged basis" refers to the manner in which the carrier dispatches vehicles.

[1996 c 87 § 3.]

RCW 46.04.280 Local authorities.

"Local authorities" includes every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state.

[1961 c 12 § 46.04.280. Prior: 1959 c 49 § 29; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.290 Marked crosswalk.

"Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof.

[1961 c 12 § 46.04.290. Prior: 1959 c 49 § 30; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.300 Metal tire.

"Metal tire" includes every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

[1961 c 12 § 46.04.300. Prior: 1959 c 49 § 31; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.302 Mobile home, manufactured home.

"Mobile home" or "manufactured home" means a structure, designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. Manufactured home does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

[1993 c 154 § 1. Prior: 1989 c 343 § 24; 1989 c 337 § 1; 1977 ex.s. c 22 § 1; 1971 ex.s. c 231 § 4.]

Notes:

Severability--Effective date--1989 c 343: See RCW 65.20.940 and 65.20.950.

Severability--1977 ex.s. c 22: "If any section or provision of this 1977 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the section or provision to other persons or circumstances is not affected." [1977 ex.s. c 22 § 10.]

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.303 Modular home.

"Modular home" means a factory-assembled structure designed primarily for use as a

dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

[1990 c 250 § 17; 1971 ex.s. c 231 § 5.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.304 Moped.

"Moped" means a motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and an electric or a liquid fuel motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) that is capable of propelling the device at not more than thirty miles per hour on level ground.

The Washington state patrol may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to motorized devices which do meet these specific criteria.

[1990 c 250 § 18; 1987 c 330 § 702; 1979 ex.s. c 213 § 1.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.04.305 Motor homes.

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle.

[1990 c 250 § 19; 1971 ex.s. c 231 § 3.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.310 Motor truck.

"Motor truck" means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals.

[1961 c 12 § 46.04.310. Prior: 1959 c 49 § 32; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part;

RRS § 6362-2, part.]

RCW 46.04.320 Motor vehicle.

"Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

[1961 c 12 § 46.04.320. Prior: 1959 c 49 § 33; 1955 c 384 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.330 Motorcycle.

"Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor and a moped.

The Washington state patrol may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

[1990 c 250 § 20; 1979 ex.s. c 213 § 2; 1961 c 12 § 46.04.330. Prior: 1959 c 49 § 34; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.04.332 Motor-driven cycle.

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped.

[1979 ex.s. c 213 § 3; 1963 c 154 § 28.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.340 Muffler.

"Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting therefrom.

[1961 c 12 § 46.04.340. Prior: 1959 c 49 § 35; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.350 Multiple lane highway.

"Multiple lane highway" means any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width and whether or not such lanes are marked.

[1975 c 62 § 5; 1961 c 12 § 46.04.350. Prior: 1959 c 49 § 36; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.355 Municipal transit vehicle.

Municipal transit vehicle includes every motor vehicle, street car, train, trolley vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by a city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation within the state, and (3) is used for the purpose of carrying passengers together with incidental baggage and freight on a regular schedule.

[1984 c 167 § 2; 1974 ex.s. c 76 § 4.]

Notes:

Unlawful bus conduct: RCW 9.91.025.

RCW 46.04.360 Nonresident.

"Nonresident" means any person whose residence is outside this state and who is temporarily sojourning within this state.

[1961 c 12 § 46.04.360. Prior: 1959 c 49 § 37; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.370 Operator or driver.

"Operator or driver" means every person who drives or is in actual physical control of a vehicle.

[1975 c 62 § 6; 1967 c 32 § 1; 1961 c 12 § 46.04.370. Prior: 1959 c 49 § 38; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.380 Owner.

"Owner" means a person who has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either to registered or legal owner.

[1975 c 25 § 2; 1961 c 12 § 46.04.380. Prior: 1959 c 49 § 39; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.381 Park or parking.

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

[1975 c 62 § 9.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.3815 Parts car.

"Parts car" means a motor vehicle that is owned by a collector to furnish parts for restoration or maintenance of a vehicle described in RCW 46.16.305(1), thus enabling a collector to preserve, restore, and maintain such a vehicle.

[1996 c 225 § 3.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.04.382 Passenger car.

"Passenger car" means every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons.

[1963 c 154 § 29.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.391 Police officer.

Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

[1965 ex.s. c 155 § 89.]

RCW 46.04.400 Pedestrian.

"Pedestrian" means any person who is afoot or who is using a wheelchair or a means of conveyance propelled by human power other than a bicycle.

[1990 c 241 § 1; 1961 c 12 § 46.04.400. Prior: 1959 c 49 § 41; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.405 Person.

"Person" includes every natural person, firm, copartnership, corporation, association, or organization.

[1961 c 12 § 46.04.405. Prior: 1959 c 49 § 42; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.408 Photograph, picture, negative.

"Photograph," along with the terms "picture" and "negative," means a pictorial representation, whether produced through photographic or other means, including, but not limited to, digital data imaging.

[1990 c 250 § 21.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.04.410 Pneumatic tires.

"Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon.

[1961 c 12 § 46.04.410. Prior: 1959 c 49 § 43; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.414 Pole trailer.

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, logs or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

[1961 c 12 § 46.04.414. Prior: 1959 c 49 § 44; prior: 1951 c 56 § 1.]

RCW 46.04.416 Private carrier bus.

"Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission.

[1970 ex.s. c 100 § 3.]

RCW 46.04.420 Private road or driveway.

"Private road or driveway" includes every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons.

[1961 c 12 § 46.04.420. Prior: 1959 c 49 § 45; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.435 Public scale.

"Public scale" means every scale under public or private ownership which is certified as to its accuracy and which is available for public weighing.

[1961 c 12 § 46.04.435. Prior: 1959 c 49 § 47.]

RCW 46.04.440 Railroad.

"Railroad" means a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside cities and towns.

[1961 c 12 § 46.04.440. Prior: 1959 c 49 § 48; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.450 Railroad sign or signal.

"Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

[1961 c 12 § 46.04.450. Prior: 1959 c 49 § 49; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.455 Reasonable grounds.

"Reasonable grounds," when used in the context of a law enforcement officer's decision to make an arrest, means probable cause.

[1995 c 332 § 19.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

RCW 46.04.460 Registered owner.

"Registered owner" means the person whose lawful right of possession of a vehicle has most recently been recorded with the department.

[1975 c 25 § 3; 1961 c 12 § 46.04.460. Prior: 1959 c 49 § 50; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]

RCW 46.04.465 Rental car.

(1) "Rental car" means a passenger car, as defined in RCW 46.04.382, that is used solely by a rental car business for rental to others, without a driver provided by the rental car business, for periods of not more than thirty consecutive days.

(2) "Rental car" does not include:

(a) Vehicles rented or loaned to customers by automotive repair businesses while the customer's vehicle is under repair;

(b) Vehicles licensed and operated as taxicabs.

[1992 c 194 § 1.]

Notes:

Effective dates--1992 c 194: See note following RCW 46.04.466.

RCW 46.04.466 Rental car business.

"Rental car business" means a person engaging within this state in the business of renting rental cars, as determined under rules of the department of licensing.

[1992 c 194 § 5.]

Notes:

Effective dates--1992 c 194: "(1) Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1992.

(2) Sections 4 through 13 of this act shall take effect January 1, 1993." [1992 c 194 § 14.]

Registration of rental car businesses: RCW 46.87.023.

RCW 46.04.470 Residence district.

"Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business.

[1961 c 12 § 46.04.470. Prior: 1959 c 49 § 51; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.480 Revoke.

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, 46.20.265, or 46.61.5055, and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

[1995 c 332 § 10; 1994 c 275 § 38; 1988 c 148 § 8; 1985 c 407 § 1; 1983 c 165 § 14; 1983 c 165 § 13; 1979 c 62 § 7; 1961 c 12 § 46.04.480. Prior: 1959 c 49 § 52; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding--Severability--1988 c 148: See notes following RCW 13.40.265.

Effective dates--1985 c 407: "Sections 2 and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985. The remainder of the act shall take effect January 1, 1986." [1985 c 407 § 8.]

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

Severability--1979 c 62: See note following RCW 46.65.020.

RCW 46.04.490 Road tractor.

"Road tractor" includes every motor vehicle designed and used primarily as a road building vehicle in drawing road building machinery and devices.

[1961 c 12 § 46.04.490. Prior: 1959 c 49 § 53; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.500 Roadway.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term "roadway" shall refer to any such roadway separately but shall not refer to all such roadways collectively.

[1977 c 24 § 1; 1961 c 12 § 46.04.500. Prior: 1959 c 49 § 54; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.510 Safety zone.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible.

[1961 c 12 § 46.04.510. Prior: 1959 c 49 § 55; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.521 School bus.

School bus means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the state superintendent of public instruction, but does not include buses operated by common carriers in urban transportation of school children or private carrier buses operated as school buses in the transportation of children to and from private schools or school activities.

[1995 c 141 § 1; 1965 ex.s. c 155 § 90.]

RCW 46.04.530 Semitrailer.

"Semitrailer" includes every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor.

[1979 ex.s. c 149 § 1; 1961 c 12 § 46.04.530. Prior: 1959 c 49 § 57; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.540 Sidewalk.

"Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

[1961 c 12 § 46.04.540. Prior: 1959 c 49 § 58; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.550 Solid tire.

"Solid tire" includes every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon.

[1961 c 12 § 46.04.550. Prior: 1959 c 49 § 59; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.552 Special mobile equipment.

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road

construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

[1973 1st ex.s. c 17 § 1; 1972 ex.s. c 5 § 1; 1963 c 154 § 30.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.555 Stand or standing.

"Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

[1975 c 62 § 10.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.560 State highway.

"State highway" includes every highway or part thereof, which has been designated as a state highway or branch thereof, by legislative enactment.

[1975 c 62 § 7; 1961 c 12 § 46.04.560. Prior: 1959 c 49 § 60; prior: 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.565 Stop.

"Stop" when required means complete cessation from movement.

[1975 c 62 § 11.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.566 Stop or stopping.

"Stop or stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

[1975 c 62 § 12.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.570 Street car.

"Street car" means a vehicle other than a train for transporting persons or property and operated upon stationary rails principally within cities and towns.

[1961 c 12 § 46.04.570. Prior: 1959 c 49 § 61; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.571 Street rod vehicle.

"Street rod vehicle" is a motor vehicle, other than a motorcycle, that meets the following conditions:

(1)(a) The vehicle was manufactured before 1949, (b) the vehicle has been assembled or reconstructed using major component parts of a motor vehicle manufactured before 1949, or (c) the vehicle was assembled or manufactured after 1949, to resemble a vehicle manufactured before 1949; and

(2)(a) The vehicle has been modified in its body style or design through the use of nonoriginal or reproduction components, such as frame, engine, drive train, suspension, or brakes in a manner that does not adversely affect its safe performance as a motor vehicle or render it unlawful for highway use, or (b) the body has been constructed from nonoriginal materials or has been altered dimensionally or in shape and appearance from the original manufactured body.

[1999 c 58 § 1; 1996 c 225 § 4.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.04.580 Suspend.

"Suspend," in all its forms and unless a different period is specified, means invalidation for any period less than one calendar year and thereafter until reinstatement.

[1994 c 275 § 28; 1990 c 250 § 22; 1961 c 12 § 46.04.580. Prior: 1959 c 49 § 62; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.04.582 Tandem axle.

"Tandem axle" means any two or more consecutive axles whose centers are less than

seven feet apart.

[1988 c 6 § 1; 1979 ex.s. c 149 § 2.]

RCW 46.04.585 Temporarily sojourning.

"Temporarily sojourning," as the term is used in chapter 46.04 RCW, shall be construed to include any nonresident who is within this state for a period of not to exceed six months in any one year.

[1961 c 12 § 46.04.585. Prior: 1959 c 49 § 63; prior: 1955 c 89 § 6.]

RCW 46.04.590 Traffic.

"Traffic" includes pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together, while using any public highways for purposes of travel.

[1961 c 12 § 46.04.590. Prior: 1959 c 49 § 64; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.600 Traffic control signal.

"Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled.

[1961 c 12 § 46.04.600. Prior: 1959 c 49 § 65; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.611 Traffic-control devices.

Official traffic-control devices means all signs, signals, markings and devices not inconsistent with Title 46 RCW placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

[1965 ex.s. c 155 § 88.]

RCW 46.04.620 Trailer.

"Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof.

[1974 ex.s. c 76 § 3; 1961 c 12 § 46.04.620. Prior: 1959 c 49 § 67; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.622 Park trailer.

"Park trailer" or "park model trailer" means a travel trailer designed to be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. "Park trailer" excludes a mobile home.

[1989 c 337 § 2.]

RCW 46.04.623 Travel trailer.

"Travel trailer" means a trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities.

[1989 c 337 § 3.]

RCW 46.04.630 Train.

"Train" means a vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars.

[1961 c 12 § 46.04.630. Prior: 1959 c 49 § 68; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.640 Trolley vehicle.

"Trolley vehicle" means a vehicle the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact.

[1961 c 12 § 46.04.640. Prior: 1959 c 49 § 69; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.650 Tractor.

"Tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

[1986 c 18 § 1; 1975 c 62 § 8; 1961 c 12 § 46.04.650. Prior: 1959 c 49 § 70; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.653 Truck.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

[1986 c 18 § 2.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.04.655 Truck tractor.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to permit carrying a load in addition to part of the weight of the vehicle and load so drawn.

[1986 c 18 § 3.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.04.660 Used vehicle.

"Used vehicle" means a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof.

[1961 c 12 § 46.04.660. Prior: 1959 c 49 § 71; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.670 Vehicle.

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. mopeds shall not be considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall not be considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW.

[1994 c 262 § 2; 1991 c 214 § 2; 1979 ex.s. c 213 § 4; 1961 c 12 § 46.04.670. Prior: 1959 c 49 § 72; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Mopeds

helmet required: RCW 46.37.530, 46.37.535.

motorcycle endorsement, exemption: RCW 46.20.500.

operation and safety standards: RCW 46.61.710, 46.61.720.

registration: RCW 46.16.630.

RCW 46.04.672 Vehicle or pedestrian right of way.

"Vehicle or pedestrian right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

[1975 c 62 § 13.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.710 Wheelchair conveyance.

"Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle within a speed range established by the state patrol. The state patrol may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

[1987 c 330 § 703; 1983 c 200 § 1.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1983 c 200: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 200 § 7.]

Wheelchair conveyances

licensing: RCW 46.16.640.

operator's license: RCW 46.20.109.

public roadways, operating on: RCW 46.61.730.

safety standards: RCW 46.37.610.

**Chapter 46.08 RCW
GENERAL PROVISIONS**

Sections

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| 46.08.190 | Jurisdiction of judges of district, municipal, and superior court. |

Notes:

Extension of licensing period authorized--Rules and regulations, manner and content: RCW 43.24.140.

RCW 46.08.010 State preempts licensing field.

The provisions of this title relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose except as provided in RCW 82.80.020, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein.

[1990 c 42 § 207; 1961 c 12 § 46.08.010. Prior: 1937 c 188 § 75; RRS § 6312-75.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 46.08.020 Precedence over local vehicle and traffic regulations.

The provisions of this title relating to vehicles shall be applicable and uniform throughout this state and in all incorporated cities and towns and all political subdivisions therein and no local authority shall enact or enforce any law, ordinance, rule or regulation in conflict with the provisions of this title except and unless expressly authorized by law to do so and any laws, ordinances, rules or regulations in conflict with the provisions of this title are hereby declared to be invalid and of no effect. Local authorities may, however, adopt additional vehicle and traffic regulations which are not in conflict with the provisions of this title.

[1961 c 12 § 46.08.020. Prior: 1937 c 189 § 2; RRS § 6360-2.]

RCW 46.08.030 Uniformity of application.

The provisions of this title relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided.

[1961 c 12 § 46.08.030. Prior: 1937 c 189 § 3; RRS § 6360-3.]

RCW 46.08.065 Publicly owned vehicles to be marked--Exceptions.

(1) It is unlawful for any public officer having charge of any vehicle owned or controlled by any county, city, town, or public body in this state other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be displayed upon such automobile or other motor vehicle in letters of contrasting color not less than one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used. This section shall not apply to vehicles of a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes. This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation; (b) any vehicle governed by the requirements of subsection (4) of this section; nor to (c) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use a distinctive insignia which shall be not less than six inches in diameter across its smallest dimension and which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the public entity and agency operating the vehicle or below an approved insignia shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle. The appropriate governing body may provide by rule or ordinance for marking of passenger motor vehicles as prescribed in subsection (2) of this section or for exceptions to the marking requirements for local governmental agencies for the same purposes and under the same circumstances as permitted for state agencies under subsection (3) of this section.

(2) Except as provided by subsections (3) and (4) of this section, passenger motor vehicles owned or controlled by the state of Washington, and purchased after July 1, 1989, must be plainly and conspicuously marked on the lower left-hand corner of the rear window with the name of the operating agency or institution or the words "state motor pool," as appropriate, the words "state of Washington -- for official use only," and the seal of the state of Washington or the appropriate agency or institution insignia, approved by the department of general administration. Markings must be on a transparent adhesive material and conform to the standards established by the department of general administration. For the purposes of this section, "passenger motor vehicles" means sedans, station wagons, vans, light trucks, or other motor vehicles under ten thousand pounds gross vehicle weight.

(3) Subsection (2) of this section shall not apply to vehicles used by the Washington state patrol for general undercover or confidential investigative purposes. Traffic control vehicles of the Washington state patrol may be exempted from the requirements of subsection (2) of this

section at the discretion of the chief of the Washington state patrol. The department of general administration shall adopt general rules permitting other exceptions to the requirements of subsection (2) of this section for other vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, for vehicles leased or rented by the state on a casual basis for a period of less than ninety days, and those provided for in RCW 46.08.066(3). The exceptions in this subsection, subsection (4) of this section, and those provided for in RCW 46.08.066(3) shall be the only exceptions permitted to the requirements of subsection (2) of this section.

(4) Any motorcycle, vehicle over 10,000 pounds gross vehicle weight, or other vehicle that for structural reasons cannot be marked as required by subsection (1) or (2) of this section that is owned or controlled by the state of Washington or by any county, city, town, or other public body in this state and used for public purposes on the public highways of this state shall be conspicuously marked in letters of a contrasting color with the words "State of Washington" or the name of such county, city, town, or other public body, together with the name of the department or office that owns or controls the vehicle.

(5) All motor vehicle markings required under the terms of this chapter shall be maintained in a legible condition at all times.

[1998 c 111 § 4; 1989 c 57 § 9; 1975 1st ex.s. c 169 § 1; 1961 c 12 § 46.08.065. Prior: 1937 c 189 § 46; RRS § 6360-46. Formerly RCW 46.36.140.]

Notes:

Effective date--1989 c 57: See note following RCW 43.19.605.

RCW 46.08.066 Publicly owned vehicles--Confidential license plates--Issuance, rules governing.

(1) Except as provided in subsection (3) of this section, the department of licensing is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) Any state official elected on a state-wide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(4) The director of licensing may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies.

[1986 c 158 § 20; 1982 c 163 § 14; 1979 c 158 § 128; 1975 1st ex.s. c 169 § 2.]

Notes:

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

RCW 46.08.067 Publicly owned vehicles--Violations concerning marking and confidential license plates.

A violation of any provision of RCW 46.08.065 as now or hereafter amended or of RCW 46.08.066 shall subject the public officer or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay or termination of employment in the case of repeated or continuing noncompliance.

[1975 1st ex.s. c 169 § 3.]

RCW 46.08.068 Publicly owned vehicles--Remarking not required, when.

Any vehicle properly marked pursuant to statutory requirements in effect prior to September 8, 1975, need not be remarked to conform to the requirements of RCW 46.08.065 through 46.08.067 until July 1, 1977.

[1975 1st ex.s. c 169 § 4.]

RCW 46.08.070 Nonresidents, application to.

Subject to a compliance with the motor vehicle laws of the state and acceptance of the provisions of this title, nonresident owners and operators of vehicles hereby are granted the privilege of using the public highways of this state, and use of such public highways shall be deemed and construed to be an acceptance by such nonresident owners and operators of the provisions of this title.

[1961 c 12 § 46.08.070. Prior: 1937 c 189 § 128; RRS § 6360-128.]

RCW 46.08.150 Control of traffic on capitol grounds.

The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. However, the monetary penalty for parking a motor vehicle without a valid special license plate or placard in a parking place reserved for physically disabled persons shall be the same as provided in RCW 46.16.381. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper.

[1995 c 384 § 2; 1961 c 12 § 46.08.150. Prior: 1955 c 285 § 21; 1947 c 11 § 1; Rem. Supp. 1947 § 7921-20.]

RCW 46.08.160 Control of traffic on capitol grounds--Enforcing officer.

The chief of the Washington state patrol shall be the chief enforcing officer to assure the proper enforcement of such rules and regulations.

[1961 c 12 § 46.08.160. Prior: 1947 c 11 § 2; Rem. Supp. 1947 § 7921-21.]

RCW 46.08.170 Control of traffic on capitol grounds--Violations, traffic infractions, misdemeanors--Jurisdiction.

Any violation of a rule or regulation prescribed under RCW 46.08.150 is a traffic infraction, and the district courts of Thurston county shall have jurisdiction over such offenses: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

[1987 c 202 § 213; 1979 ex.s. c 136 § 40; 1963 c 158 § 2; 1961 c 12 § 46.08.170. Prior: 1947 c 11 § 3; Rem. Supp. 1947 § 7921-22.]

Notes:

Intent--1987 c 202: See note following RCW 2.04.190.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.08.172 Parking rental fees--Establishment.

The director of the department of general administration shall establish equitable and consistent parking rental fees for the capitol campus and may, if requested by agencies, establish equitable and consistent parking rental fees for agencies off the capitol campus, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking or to meet the commute trip reduction goals established in RCW 70.94.527. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

[1995 c 215 § 4; 1993 c 394 § 4. Prior: 1991 sp.s. c 31 § 12; 1991 sp.s. c 13 § 41; 1988 ex.s. c 2 § 901; 1985 c 57 § 59; 1984 c 258 § 323; 1963 c 158 § 1.]

Notes:

Finding--Purpose--1993 c 394: See note following RCW 43.01.220.

Severability--1991 sp.s. c 31: See RCW 43.991.900.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Fee deposition: RCW 43.01.225.

RCW 46.08.190 Jurisdiction of judges of district, municipal, and superior court.

Every district and municipal court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title, except the trial of felony charges on the merits, and may impose any punishment provided therefor.

[1995 c 136 § 1; 1984 c 258 § 136; 1961 c 12 § 46.08.190. Prior: 1955 c 393 § 4.]

Notes:

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Application--1984 c 258 §§ 101-139: See note following RCW 3.50.005.

Chapter 46.09 RCW OFF-ROAD AND NONHIGHWAY VEHICLES

Sections

| | |
|-----------|---|
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NOTES:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Emergency medical services fee: RCW 46.12.042.

RCW 46.09.010 Application of chapter--Permission necessary to enter upon private

lands.

The provisions of this chapter shall apply to all lands in this state. Nothing in chapter 43.09 RCW, *RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130 or 67.32.140 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

[1972 ex.s. c 153 § 2; 1971 ex.s. c 47 § 6.]

Notes:

Reviser's note: *(1) RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130, and 67.32.140 were recodified as RCW 79A.35.040, 79A.35.070, 79A.35.090, 79A.35.110, and 79A.35.120, respectively, pursuant to 1999 c 249 § 1601.

(2) Throughout chapter 46.09 RCW, with the exception of RCW 46.09.010 and 46.09.900, the phrase "this 1971 amendatory act" has been changed to "this chapter." This 1971 amendatory act [1971 ex.s. c 47] consisted of the enactment of chapter 46.09 RCW and RCW 67.32.130 and 67.32.140 and the amendment of RCW 67.32.050, 67.32.080, and 67.32.100.

Purpose--1972 ex.s. c 153: See RCW 67.32.080.

RCW 46.09.020 Definitions.

As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" means any individual, firm, partnership, association, or corporation.

"Nonhighway vehicle" means any motorized vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off-road vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

(1) Any vehicle designed primarily for travel on, over, or in the water;

(2) Snowmobiles or any military vehicles; or

(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

"ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

"ORV trail" means a multiple-use corridor designated and maintained for recreational travel by off-road vehicles that is not normally suitable for travel by conventional two-wheel drive vehicles and is posted or designated by the managing authority of the property that the trail

traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"ORV recreation facility" includes ORV trails and ORV use areas.

"Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

"Department" means the department of licensing.

"Hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" means any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.

"Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state department of transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

[1986 c 206 § 1; 1979 c 158 § 129; 1977 ex.s. c 220 § 1; 1972 ex.s. c 153 § 3; 1971 ex.s. c 47 § 7.]

Notes:

Effective date--1986 c 206: "This act shall take effect on June 30, 1986." [1986 c 206 § 17.]

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.030 Use permits--Issuance--Fees.

The department shall provide for the issuance of use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits. The department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. The provisions of RCW 46.01.130 and 46.01.140 apply to the issuance of use permits for off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees.

[1990 c 250 § 23; 1986 c 206 § 2; 1977 ex.s. c 220 § 2; 1972 ex.s. c 153 § 4; 1971 ex.s. c 47 § 8.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.
Effective date--1986 c 206: See note following RCW 46.09.020.
Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.040 Use permit prerequisite to operation.

Except as provided in this chapter, no person shall operate any off-road vehicle within this state after January 1, 1978, unless the off-road vehicle has been assigned an ORV use permit and displays a current ORV tag in accordance with the provisions of this chapter: PROVIDED, That registration and display of an unexpired ATV use permit shall be deemed to have complied with this section.

[1977 ex.s. c 220 § 3; 1972 ex.s. c 153 § 5; 1971 ex.s. c 47 § 9.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.050 Vehicles exempted from ORV use permits and tags.

ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) An off-road vehicle operating in an organized competitive event on privately owned or leased land: PROVIDED, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: PROVIDED FURTHER, That such exemption shall be strictly construed.

(4) Off-road vehicles operated on lands owned or leased by the ORV owner or operator or on lands which the operator has permission to operate without an ORV use permit.

(5) Off-road vehicles owned by a resident of another state that have a valid ORV permit or vehicle license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.

(6) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(7) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.

(8) Vehicles which are licensed pursuant to chapter 46.16 RCW or in the case of nonresidents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence.

[1986 c 206 § 3; 1977 ex.s. c 220 § 4; 1972 ex.s. c 153 § 6; 1971 ex.s. c 47 § 10.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.070 Application for ORV use permit.

(1) Application for annual or temporary ORV use permits shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe and shall state the name and address of each owner of the off-road vehicle.

(2) An application for an annual permit shall be signed by at least one owner, and shall be accompanied by a fee of five dollars. Upon receipt of the annual permit application and the application fee, the off-road vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the off-road vehicle in a manner prescribed by the department. The annual permit is valid for a period of one year and is renewable each year in such manner as the department may prescribe for an additional period of one year upon payment of a renewal fee of five dollars.

Any person acquiring an off-road vehicle for which an annual permit has been issued who desires to continue to use the permit must, within fifteen days of the acquisition of the off-road vehicle, make application to the department or its authorized agent for transfer of the permit, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents.

(3) A temporary use permit is valid for sixty days. Application for a temporary permit shall be accompanied by a fee of two dollars. The permit shall be carried on the vehicle at all times during its operation in the state.

(4) Except as provided in RCW 46.09.050, any out-of-state operator of an off-road vehicle shall, when operating in this state, comply with this chapter, and if an ORV use permit is required under this chapter, the operator shall obtain an annual or temporary permit and tag.

[1997 c 241 § 1; 1986 c 206 § 4; 1977 ex.s. c 220 § 6; 1972 ex.s. c 153 § 8; 1971 ex.s. c 47 § 12.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.080 ORV dealers--Permits--Fees--Number plates--Title application--Violations.

(1) Each dealer of off-road vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW shall obtain an ORV dealer permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of an application for an ORV dealer permit and the fee under subsection (2) of this section, the dealer shall be registered and an ORV dealer permit number assigned.

(2) The fee for ORV dealer permits shall be twenty-five dollars per year, which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer shall have separate use permits.

(3) Upon the issuance of an ORV dealer permit each dealer may purchase, at a cost to be determined by the department, ORV dealer number plates of a size and color to be determined by the department, that contain the dealer ORV permit number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions in chapter 46.70 RCW or this section, in a manner prescribed by the department.

(4) No dealer, dealer representative, or prospective customer shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ORV dealer permit numbers shall be nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ORV dealer permit number in accordance with this section.

(7) When an ORV is sold by a dealer, the dealer shall apply for title in the purchaser's name within fifteen days following the sale.

[1990 c 250 § 24; 1986 c 206 § 5; 1977 ex.s. c 220 § 7; 1972 ex.s. c 153 § 9; 1971 ex.s. c 47 § 13.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1986 c 206: See note following RCW 46.09.020.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.110 Disposition of ORV moneys.

The moneys collected by the department under this chapter shall be distributed from time to time but at least once a year in the following manner:

The department shall retain enough money to cover expenses incurred in the administration of this chapter: PROVIDED, That such retention shall never exceed eighteen percent of fees collected.

The remaining moneys shall be distributed by the interagency committee for outdoor recreation in accordance with RCW 46.09.170(1)(d).

[1986 c 206 § 6; 1985 c 57 § 60; 1977 ex.s. c 220 § 9; 1972 ex.s. c 153 § 11; 1971 ex.s. c 47 § 16.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

Effective date--1985 c 57: See note following RCW 18.04.105.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.120 Operating violations.

- (1) It is a traffic infraction for any person to operate any nonhighway vehicle:
- (a) In such a manner as to endanger the property of another;
 - (b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;
 - (c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;
 - (d) Without a spark arrester approved by the department of natural resources;
 - (e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:
 - (i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;
 - (ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and
 - (iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;
 - (f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;
 - (g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;
 - (h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel; and
 - (i) On any public lands in violation of rules and regulations of the agency administering such lands.
- (2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

[1979 ex.s. c 136 § 41; 1977 ex.s. c 220 § 10; 1972 ex.s. c 153 § 12; 1971 ex.s. c 47 § 17.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.130 Additional violations--Penalty.

No person may operate a nonhighway vehicle in such a way as to endanger human life. No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

Violation of this section is a gross misdemeanor.

[1994 c 264 § 35; 1989 c 297 § 3; 1986 c 206 § 7; 1977 ex.s. c 220 § 11; 1971 ex.s. c 47 § 18.]

Notes:

Rules of court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

Effective date--1986 c 206: See note following RCW 46.09.020.

RCW 46.09.140 Accident reports.

The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person, or property damage to another to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, and the provisions of chapter 46.52 RCW applies to the reports when submitted.

[1990 c 250 § 25; 1977 ex.s. c 220 § 12; 1971 ex.s. c 47 § 19.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.09.150 Motor vehicle fuel excise taxes on fuel for nonhighway vehicles not refundable.

Motor vehicle fuel excise taxes paid on fuel used and purchased for providing the motive power for nonhighway vehicles shall not be refundable in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended.

[1977 ex.s. c 220 § 13; 1974 ex.s. c 144 § 1; 1972 ex.s. c 153 § 13; 1971 ex.s. c 47 § 20.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.165 Nonhighway and off-road vehicle activities program account.

The nonhighway and off-road vehicle activities program account is created in the state treasury. Moneys in this account are subject to legislative appropriation. The interagency committee for outdoor recreation shall administer the account for purposes specified in this

chapter and shall hold it separate and apart from all other money, funds, and accounts of the interagency committee for outdoor recreation. Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and any moneys made available to the state of Washington by the federal government for outdoor recreation may be deposited into the account.

[1995 c 166 § 11.]

RCW 46.09.170 Refunds from motor vehicle fund--Distribution--Use.

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities

and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

[1995 c 166 § 9; 1994 c 264 § 36; 1990 c 42 § 115; 1988 c 36 § 25; 1986 c 206 § 8; 1979 c 158 § 130; 1977 ex.s. c 220 § 14; 1975 1st ex.s. c 34 § 1; 1974 ex.s. c 144 § 3; 1972 ex.s. c 153 § 15; 1971 ex.s. c 47 § 22.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 206: See note following RCW 46.09.020.

Effective date--1975 1st ex.s. c 34: "This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 34 § 4.]

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.180 Regulation by local political subdivisions or state agencies.

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter.

[1977 ex.s. c 220 § 15; 1971 ex.s. c 47 § 23.]

RCW 46.09.190 General penalty--Civil liability.

(1) Except as provided in RCW 46.09.120(2) and 46.09.130 as now or hereafter amended, violation of the provisions of this chapter is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, or growing crops injured as the result of travel by the nonhighway vehicle. The owner of such property may recover from the person responsible three

times the amount of damage.

[1979 ex.s. c 136 § 42; 1977 ex.s. c 220 § 16; 1972 ex.s. c 153 § 16; 1971 ex.s. c 47 § 24.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.200 Enforcement.

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, fish and wildlife officers, state park rangers, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, 76.04.035, and 76.04.045.

[2001 c 253 § 3; 1986 c 100 § 52; 1971 ex.s. c 47 § 25.]

RCW 46.09.240 Administration and distribution of ORV moneys.

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, nonprofit ORV organizations, and Indian tribes. Funds distributed under this section to nonprofit ORV organizations may be spent only on projects or activities that benefit ORV recreation on lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:

- (a) In the newspaper of general circulation published nearest the proposed project;
- (b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and
- (c) If the proposed project is located in a county with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation

published in the nearest county that has a population of forty thousand or more.

(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.

[1998 c 144 § 1; 1991 c 363 § 122; 1986 c 206 § 9; 1977 ex.s. c 220 § 17.]

Notes:

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Effective date--1986 c 206: See note following RCW 46.09.020.

RCW 46.09.250 Statewide plan.

The interagency committee for outdoor recreation shall maintain a statewide plan which shall be updated at least once every third biennium and shall be used by all participating agencies to guide distribution and expenditure of funds under this chapter.

[1986 c 206 § 11; 1977 ex.s. c 220 § 18.]

NOTES:

Effective date--1986 c 206: See note following RCW 46.09.020.

RCW 46.09.280 Committee to advise on administration of chapter.

The interagency committee for outdoor recreation shall establish a committee of nonhighway road recreationists, including representatives of organized ORV groups, to provide advice regarding the administration of this chapter. Only representatives of organized ORV groups may be voting members of the committee with respect to expenditure of funds received under RCW 46.09.110.

[1986 c 206 § 13.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

RCW 46.09.900 Severability--1971 ex.s. c 47.

If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1971 amendatory act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 47 § 26.]

**Chapter 46.10 RCW
SNOWMOBILES**

Sections

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Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Emergency medical services fee: RCW 46.12.042.

RCW 46.10.010 Definitions.

As used in this chapter the words and phrases in this section shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated.

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not

otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of licensing.

(10) "Director" shall mean the director of the department of licensing.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.

(13) "Committee" means the Washington state parks and recreation commission snowmobile advisory committee.

[1979 ex.s. c 182 § 1; 1979 c 158 § 131; 1971 ex.s. c 29 § 1.]

RCW 46.10.020 Ownership, transport, or operation of snowmobile without registration prohibited.

(1) Except as provided in this chapter, no person shall own, transport, or operate any snowmobile within this state unless such snowmobile has been registered in accordance with the provisions of this chapter.

(2) A registration number shall be assigned, without payment of a fee, to snowmobiles owned by the state of Washington or its political subdivisions, and the assigned registration number shall be displayed upon each snowmobile in such manner as provided by rules adopted by the department.

[1982 c 17 § 1; 1979 ex.s. c 182 § 3; 1971 ex.s. c 29 § 2.]

RCW 46.10.030 Ownership or operation of snowmobile without registration prohibited--Exceptions.

No registration shall be required under the provisions of this chapter for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) A snowmobile owned by a resident of another state or Canadian province if that snowmobile is registered in accordance with the laws of the state or province in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for snowmobiles registered in this state: PROVIDED, That any snowmobile which is validly registered in another state or province and which is physically located in this state for a period of more than fifteen consecutive days shall be subject to registration under the provisions of this chapter.

[1986 c 16 § 1; 1979 ex.s. c 182 § 4; 1975 1st ex.s. c 181 § 1; 1971 ex.s. c 29 § 3.]

RCW 46.10.040 Application for registration--Annual fee--Registration number--Term--Renewal--Transfer--Nonresident permit--Decals.

Application for registration shall be made to the department in the manner and upon forms the department prescribes, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by an annual registration fee to be established by the commission, after consultation with the committee and any statewide snowmobile user groups. The commission shall increase the current fee of twenty dollars by five dollars effective September 30, 2001, and the commission shall increase the fee by another five dollars effective September 30, 2002. After the fee increase effective September 30, 2002, the commission shall not increase the fee. Upon receipt of the application and the application fee, the snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of the period of registration, every owner of a snowmobile in this state shall renew his or her registration in the manner the department prescribes, for an additional period of one year, upon payment of the annual registration fee as determined by the commission.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of the snowmobile, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents.

A snowmobile owned by a resident of another state or Canadian province where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for the permit shall state the name and address of each owner of the snowmobile to be registered and shall be signed by at least one owner and shall be

accompanied by a registration fee of five dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070. In addition to the registration fee provided in this section the department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals.

[2001 2nd sp.s. c 7 § 918; 1997 c 241 § 2; 1996 c 164 § 1; 1986 c 16 § 2; 1982 c 17 § 2; 1979 ex.s. c 182 § 5; 1973 1st ex.s. c 128 § 1; 1972 ex.s. c 153 § 20; 1971 ex.s. c 29 § 4.]

NOTES:

Severability--Effective date--2001 2nd sp.s. c 7: See notes following RCW 43.320.110.

Purpose--Policy statement as to certain state lands--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.043 Registration or transfer of registration pursuant to sale by dealer--Temporary registration.

Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

All registrations for snowmobiles must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer. Upon the sale of a snowmobile by a dealer, the dealer may issue a temporary registration as provided by rules adopted by the department.

[1982 c 17 § 3; 1979 ex.s. c 182 § 6; 1975 1st ex.s. c 181 § 4.]

RCW 46.10.050 Snowmobile dealers' registration--Fee--Dealer number plates, use--Sale or demonstration unlawful without registration.

(1) Each dealer of snowmobiles in this state shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles offered by a dealer for sale and not rented on a regular, commercial basis: PROVIDED, That snowmobiles rented on a regular commercial basis by a

dealer shall be registered separately under the provisions of RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070.

(3) Upon registration each dealer may purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a dealer, dealer representative, or prospective customer for the purposes of demonstration or testing shall display such number plates in a clearly visible manner.

(4) No person other than a dealer, dealer representative, or prospective customer shall display a dealer number plate, and no dealer, dealer representative, or prospective customer shall use a dealer's number plate for any purpose other than the purposes described in subsection (3) of this section.

(5) Dealer registration numbers are nontransferable.

(6) It is unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section.

[1990 c 250 § 26; 1982 c 17 § 5; 1971 ex.s. c 29 § 5.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.10.055 Denial, suspension, or revocation of dealer registration or assessment of monetary civil penalty, when.

The director may by order deny, suspend, or revoke the registration of any snowmobile dealer or, in lieu thereof or in addition thereto, may by order assess monetary civil penalties not to exceed five hundred dollars per violation, if the director finds that the order is in the public interest and that the applicant or registrant, or any partner, officer, director, or owner of ten percent of the assets of the firm, or any employee or agent:

(1) Has failed to comply with the applicable provisions of this chapter or any rules adopted under this chapter; or

(2) Has failed to pay any monetary civil penalty assessed by the director under this section within ten days after the assessment becomes final.

[1982 c 17 § 4.]

RCW 46.10.060 Registration number permanent--Certificate of registration, date tags.

The registration number assigned to a snowmobile in this state at the time of its original registration shall remain with that snowmobile until the vehicle is destroyed, abandoned, or permanently removed from this state, or until changed or terminated by the department. The department shall, upon assignment of such registration number, issue and deliver to the owner a certificate of registration, in such form as the department shall prescribe. The certificate of registration shall not be valid unless signed by the person who signed the application for

registration.

At the time of the original registration, and at the time of each subsequent renewal thereof, the department shall issue to the registrant a date tag or tags indicating the validity of the current registration and the expiration date thereof, which validating date, tag, or tags shall be affixed to the snowmobile in such manner as the department may prescribe. Notwithstanding the fact that a snowmobile has been assigned a registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current registration certificate has been issued.

[1971 ex.s. c 29 § 6.]

RCW 46.10.070 Affixing and displaying registration number.

The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon each snowmobile in such manner as provided by rules adopted by the department, and shall be maintained in a legible condition; except dealer number plates as provided for in RCW 46.10.050 may be temporarily affixed.

[1973 1st ex.s. c 128 § 2; 1972 ex.s. c 153 § 21; 1971 ex.s. c 29 § 7.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.075 Snowmobile account--Deposits--Appropriations, use.

There is created a snowmobile account within the state treasury. Snowmobile registration fees, monetary civil penalties from snowmobile dealers, and snowmobile fuel tax moneys collected under this chapter and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter shall be deposited in the snowmobile account and shall be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter.

[1991 sp.s. c 13 § 9; 1985 c 57 § 61; 1982 c 17 § 6; 1979 ex.s. c 182 § 7.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 46.10.080 Distribution of snowmobile registration fees, civil penalties, and fuel tax moneys.

The moneys collected by the department as snowmobile registration fees, monetary civil penalties from snowmobile dealers, and fuel tax moneys placed in the snowmobile account shall be distributed in the following manner:

(1) Actual expenses not to exceed three percent for each year shall be retained by the department to cover expenses incurred in the administration of the registration and fuel tax provisions of this chapter.

(2) The remainder of such funds each year shall be remitted to the state treasurer to be deposited in the snowmobile account of the general fund and shall be appropriated only to the commission to be expended for snowmobile purposes. Such purposes may include but not necessarily be limited to the administration, acquisition, development, operation, and maintenance of snowmobile facilities and development and implementation of snowmobile safety, enforcement, and education programs.

(3) Nothing in this section is intended to discourage any public agency in this state from developing and implementing snowmobile programs. The commission is authorized to make grants to public agencies and to contract with any public or private agency or person for the purpose of developing and implementing snowmobile programs, provided that the programs are not inconsistent with the rules adopted by the commission.

[1982 c 17 § 7; 1979 ex.s. c 182 § 8; 1975 1st ex.s. c 181 § 2; 1973 1st ex.s. c 128 § 3; 1972 ex.s. c 153 § 22; 1971 ex.s. c 29 § 8.]

Notes:

Purpose--Including policy statement as to certain state lands--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.090 Operating violations.

(1) It is a traffic infraction for any person to operate any snowmobile:

(a) At a rate of speed greater than reasonable and prudent under the existing conditions.

(b) In a manner so as to endanger the property of another.

(c) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(d) Without an adequate braking device which may be operated either by hand or foot.

(e) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, (i) on snowmobiles manufactured on or before January 4, 1973, which shall effectively limit such noise at a level of eighty-six decibels, or below, on the "A" scale at fifty feet, and (ii) on snowmobiles manufactured after January 4, 1973, which shall effectively limit such noise at a level of eighty-two decibels, or below, on the "A" scale at fifty feet, and (iii) on snowmobiles manufactured after January 1, 1975, which shall effectively limit such noise at a level of seventy-eight decibels, or below, as measured on the "A" scale at a distance of fifty feet, under testing procedures as established by the department of ecology; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device. This section shall not affect the power of the department of ecology to adopt noise performance standards for snowmobiles. Noise performance standards adopted or to be adopted by the department of ecology shall be in addition to the standards contained in this section, but the department's standards shall supersede this section to the extent of any inconsistency.

(f) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.

(g) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

(h) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

(2) It is a misdemeanor for any person to operate any snowmobile so as to endanger the person of another or while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

[1980 c 148 § 1. Prior: 1979 ex.s. c 182 § 10; 1979 ex.s. c 136 § 43; 1975 1st ex.s. c 181 § 5; 1971 ex.s. c 29 § 9.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1980 c 148: "Sections 1 through 7 of this 1980 act shall take effect January 1, 1981.

Section 8 of this 1980 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately." [1980 c 148 § 9.]

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.10.100 Crossing public roadways and highways lawful, when.

It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

The snowmobile is brought to a complete stop before entering the public roadway or highway; and

The operator of the snowmobile yields the right of way to motor vehicles using the public roadway or highway; and

The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection.

[1971 ex.s. c 29 § 10.]

RCW 46.10.110 Operating upon public road or highway lawful, when.

Notwithstanding the provisions of RCW 46.10.100, it shall be lawful to operate a snowmobile upon a public roadway or highway:

Where such roadway or highway is completely covered with snow or ice and has been closed by the responsible governing body to motor vehicle traffic during the winter months; or

When the responsible governing body gives notice that such roadway or highway is open to snowmobiles or all-terrain vehicle use; or

In an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassible to travel by automobile; or

When traveling along a designated snowmobile trail.

[1972 ex.s. c 153 § 23; 1971 ex.s. c 29 § 11.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.120 Restrictions on age of operators--Qualifications.

No person under twelve years of age shall operate a snowmobile on or across a public roadway or highway in this state, and no person between the ages of twelve and sixteen years of age shall operate a snowmobile on or across a public road or highway in this state unless he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile by an instructor designated by the commission as qualified to conduct such a course and issue such a certificate, and he has on his person at the time he is operating a snowmobile evidence of such certification: PROVIDED, That persons under sixteen years of age who have not been certified as qualified snowmobile operators may operate a snowmobile under the direct supervision of a qualified snowmobile operator.

[1972 ex.s. c 153 § 24; 1971 ex.s. c 29 § 12.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.130 Additional violations--Penalty.

No person shall operate a snowmobile in such a way as to endanger human life. No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any wildlife, or any domestic animal, nor shall any person carry any loaded weapon upon, nor hunt from, any snowmobile except by permit issued by the director of fish and wildlife under RCW 77.32.237. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

[1994 c 264 § 37; 1989 c 297 § 4; 1979 ex.s. c 182 § 11; 1971 ex.s. c 29 § 13.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.10.140 Accident reports.

The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage to an apparent extent equal to or greater than the minimum amount established by rule adopted by the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, if the operator of the snowmobile is unknown, shall submit such reports as are required under chapter 46.52 RCW, and the provisions of chapter 46.52 RCW applies to the reports when submitted.

[1990 c 250 § 27; 1971 ex.s. c 29 § 14.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.10.150 Refund of snowmobile fuel tax to snowmobile account.

From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts determined under RCW 46.10.170, and place them in the snowmobile account in the general fund.

[1994 c 262 § 3; 1979 ex.s. c 182 § 12; 1975 1st ex.s. c 181 § 3; 1973 1st ex.s. c 128 § 4; 1971 ex.s. c 29 § 15.]

RCW 46.10.160 Snowmobile fuel excise tax nonrefundable.

Motor vehicle fuel used and purchased for providing the motive power for snowmobiles shall be considered a nonhighway use of fuel, but persons so purchasing and using motor vehicle fuel shall not be entitled to a refund of the motor vehicle fuel excise tax paid in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended.

[1971 ex.s. c 29 § 16.]

RCW 46.10.170 Amount of snowmobile fuel tax paid as motor vehicle fuel tax.

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and the fuel tax rate in effect January 1, 1990.

[1994 c 262 § 4; 1993 c 54 § 7; 1990 c 42 § 117; 1979 ex.s. c 182 § 13; 1971 ex.s. c 29 § 17.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 46.10.180 Regulation by political subdivisions, state agencies.

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of snowmobiles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not inconsistent with the provisions of this chapter; and provided further that no such city, county, or other political subdivision of this state, nor any state agency, may adopt a regulation or ordinance which imposes a special fee for the use of public lands or waters by snowmobiles, or for the use of any access thereto which is owned by or under the jurisdiction of either the United States, this state, or any such city, county, or other political subdivision.

[1971 ex.s. c 29 § 18.]

RCW 46.10.185 Local authorities may provide for safety and convenience.

Notwithstanding any other provisions of this chapter, the local governing body may provide for the safety and convenience of snowmobiles and snowmobile operators. Such provisions may include, but shall not necessarily be limited to, the clearing of areas for parking automobiles, the construction and maintenance of rest areas, and the designation and development of given areas for snowmobile use.

[1972 ex.s. c 153 § 25.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.190 Violations as traffic infractions--Exceptions--Civil liability.

(1) Except as provided in RCW 46.10.090(2), 46.10.055, and 46.10.130, any violation of the provisions of this chapter is a traffic infraction: PROVIDED, That the penalty for failing to display a valid registration decal under RCW 46.10.090 as now or hereafter amended shall be a fine of forty dollars and such fine shall be remitted to the general fund of the governmental unit, which personnel issued the citation, for expenditure solely for snowmobile law enforcement.

(2) In addition to the penalties provided in RCW 46.10.090 and subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

[1982 c 17 § 8; 1980 c 148 § 2. Prior: 1979 ex.s. c 182 § 14; 1979 ex.s. c 136 § 44; 1975 1st ex.s. c 181 § 6; 1971 ex.s. c 29 § 19.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--1980 c 148: See note following RCW 46.10.090.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.10.200 Enforcement.

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, fish and wildlife officers, state park rangers, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, as having police powers to enforce the laws of this state.

[2001 c 253 § 4; 1980 c 78 § 131; 1971 ex.s. c 29 § 20.]

NOTES:

Effective date--Intent, construction--Savings--Severability--1980 c 78: See notes following RCW 77.04.010.

RCW 46.10.210 Administration.

With the exception of the registration and licensing provisions, this chapter shall be administered by the Washington state parks and recreation commission. The department shall consult with the commission prior to adopting rules to carry out its duties under this chapter. After consultation with the committee, the commission shall adopt such rules as may be necessary to carry out its duties under this chapter. Nothing in this chapter is intended to discourage experimental or pilot programs which could enhance snowmobile safety or recreational snowmobiling.

[1979 ex.s. c 182 § 15; 1973 1st ex.s. c 128 § 5.]

RCW 46.10.220 Snowmobile advisory committee.

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of fish and wildlife, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under subsection (3)(a) and (b) of this section shall commence on October 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under procedures adopted by the committee from those members appointed under subsection (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt procedures to govern its proceedings.

[1994 c 264 § 38; 1989 c 175 § 110; 1988 c 36 § 26; 1987 c 330 § 1201. Prior: 1986 c 270 § 9; 1986 c 16 § 3; 1983 c 139 § 1; 1979 ex.s. c 182 § 2.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.10.900 Severability--1971 ex.s. c 29.

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 29 § 21.]

RCW 46.10.910 Short title.

This chapter may be known and cited as the "Snowmobile act".

[1971 ex.s. c 29 § 22.]

**Chapter 46.12 RCW
CERTIFICATES OF OWNERSHIP AND REGISTRATION**

Sections

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- 46.12.370 Lists of registered and legal owners of vehicles--Furnished for certain purposes--Penalty for unauthorized use.
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NOTES:

Classification of manufactured homes: Chapter 65.20 RCW.

Hulk haulers and scrap processors: Chapter 46.79 RCW.

RCW 46.12.005 Definitions.

The definitions set forth in this section apply throughout this chapter.

(1) The words "delivery," "notice," "send," and "security interest" have the same meaning as these terms are defined in RCW 62A.1-201; the word "secured party" has the same meaning as this term is defined in *RCW 62A.9-105.

(2) "Salvage vehicle" means a vehicle whose certificate of ownership has been surrendered to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss or for which there is documentation indicating that the vehicle has been declared salvage or has been damaged to the extent that the owner, an insurer, or other person acting on behalf of the owner, has determined that the cost of parts and labor plus the salvage value has made it uneconomical to repair the vehicle. The term does not include a motor vehicle having a model year designation of a calendar year that is at least six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged.

[1996 c 26 § 1; 1967 c 140 § 5.]

Notes:

***Reviser's note:** Article 62A.9 RCW was repealed in its entirety by 2000 c 250 § 9A-901, effective July 1, 2001. For later enactment, see Article 62A.9A RCW.

Effective date--1967 c 140: See note following RCW 46.12.010.

RCW 46.12.010 Certificates required to operate and sell vehicles--Manufacturers or dealers, security interest, how perfected.

It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: PROVIDED, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: PROVIDED, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with *RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: AND PROVIDED FURTHER, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of licensing, it is proper to do so.

[1997 c 241 § 3; 1979 c 158 § 132; 1975 c 25 § 6; 1967 c 140 § 1; 1967 c 32 § 6; 1961 c 12 § 46.12.010. Prior: 1937 c 188 § 2; RRS § 6312-2.]

Notes:

***Reviser's note:** Article 62A.9 RCW was repealed in its entirety by 2000 c 250 § 9A-901, effective July 1, 2001. For later enactment, see Article 62A.9A RCW.

Effective date--1967 c 140: "This act shall become effective at midnight on June 30, 1967. It applies to transactions entered into and events occurring after that date." [1967 c 140 § 11.]

Definitions: RCW 46.12.005.

RCW 46.12.020 Prerequisite to issuance of vehicle license and plates.

No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.

[1989 c 337 § 22. Prior: 1987 c 388 § 9; 1987 c 244 § 1; 1985 c 424 § 1; 1975 c 25 § 7; 1967 c 32 § 7; 1961 c 12 § 46.12.020; prior: 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-2, part.]

Notes:

Effective date--1989 c 337 § 22: "Section 22 of this act shall take effect January 1, 1990." [1989 c 337 § 23.]

Effective date--1987 c 388 § 9: "Section 9 of this act shall take effect January 1, 1990." [1987 c 388 § 14.]

Severability--1987 c 388: See note following RCW 46.20.342.

Effective dates--1987 c 244: "Section 1 of this act shall take effect on January 1, 1990. Sections 9, 10, and 15 through 58 of this act shall take effect on January 1, 1988." [1987 c 244 § 59.]

Effective date--1985 c 424: "This act shall take effect on January 1, 1990." [1986 c 174 § 1; 1985 c 424 § 2.]

Allowing unauthorized person to drive, penalty: RCW 46.16.011.

Notice of liability insurance requirement: RCW 46.16.212.

RCW 46.12.030 Certificate of ownership--Application--Contents--Inspection of vehicle.

The application for a certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(1) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(3) Such other information as the department may require. The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either. A physical examination of the vehicle is mandatory if it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the title and registration certificate. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

The application shall be subscribed by the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the

application in either the original, computer, or photostatic form.

[2001 c 125 § 1. Prior: 1995 c 274 § 1; 1995 c 256 § 23; 1990 c 238 § 1; 1975 c 25 § 8; 1974 ex.s. c 128 § 1; 1972 ex.s. c 99 § 2; 1967 c 32 § 8; 1961 c 12 § 46.12.030; prior: 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-2, part.]

NOTES:

Effective date--2001 c 125: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001." [2001 c 125 § 5.]

Effective date, implementation--1990 c 238: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect May 1, 1990. The director of licensing shall immediately take such steps as are necessary to ensure that this act is implemented on its effective date." [1990 c 238 § 9.]

Effective date--1974 ex.s. c 128: "This 1974 amendatory act shall take effect July 1, 1974." [1974 ex.s. c 128 § 3.]

Notice of liability insurance requirement: RCW 46.16.212.

RCW 46.12.040 Certificate of ownership--Fees.

The application accompanied by a draft, money order, certified bank check, or cash for one dollar and twenty-five cents, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, the department shall collect from the applicant a fee of fifteen dollars for vehicles previously registered in any other state or country. The proceeds from the fee shall be deposited in the motor vehicle fund. For vehicles requiring a physical examination, the inspection fee shall be fifty dollars and shall be deposited in the motor vehicle fund.

[2001 c 125 § 2; 1990 c 238 § 2; 1989 c 110 § 1; 1975 1st ex.s. c 138 § 1; 1974 ex.s. c 128 § 2; 1961 c 12 § 46.12.040. Prior: 1951 c 269 § 1; 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-3, part.]

NOTES:

Effective date--2001 c 125: See note following RCW 46.12.030.

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

Effective date--1974 ex.s. c 128: See note following RCW 46.12.030.

RCW 46.12.042 Emergency medical services fee.

(1) Upon the retail sale or lease of any new or used motor vehicle by a vehicle dealer, the dealer shall collect from the consumer an emergency medical services fee of six dollars and fifty cents, two dollars and fifty cents of which shall be an administrative fee to be retained by the vehicle dealer. The remainder of the fee shall be forwarded with the required title application and all other fees to the department of licensing, or any of its authorized agents. The four-dollar fee collected in this section shall be deposited in the emergency medical services and trauma care system trust account created in RCW 70.168.040. The administrative fee charged by a dealer

shall not be considered a violation of RCW 46.70.180(2).

(2) If a fee is not imposed under subsection (1) of this section, there is hereby imposed a fee of six dollars and fifty cents at the time of application for (a) an original title or transfer of title issued on any motor vehicle pursuant to this chapter or chapter 46.09 RCW, or (b) an original transaction or transfer of ownership transaction of a vehicle under chapter 46.10 RCW. The department of licensing or any of its authorized agents shall collect the fee when processing these transactions. The fee shall be transmitted to the emergency medical services and trauma care system trust account created in RCW 70.168.040.

(3) This section does not apply to a motor vehicle that has been declared a total loss by an insurer or self-insurer unless an application for certificate of ownership or license registration is made to the department of licensing after the declaration of total loss.

[1997 c 331 § 5.]

Notes:

Effective date--1997 c 331: See note following RCW 70.168.135.

RCW 46.12.045 Off-road vehicles, certificate of ownership for title purposes only.

The department shall issue a certificate of ownership valid for title purposes only to the owner of an off-road vehicle as defined in RCW 46.09.020. The owner shall pay the fees established by RCW 46.12.040. Issuance of such certificate does not qualify the vehicle for licensing under chapter 46.16 RCW.

[1986 c 186 § 4.]

RCW 46.12.047 Stolen vehicle check.

The department shall institute software and systems modifications to enable a WACIC/NCIC stolen vehicle search of out-of-state vehicles as part of the title transaction. During the stolen vehicle search, if the information obtained indicates the vehicle is stolen, that information shall be immediately reported to the state patrol and the applicant shall not be permitted to register the vehicle. Vehicles for which the stolen vehicle check is negative shall be registered if the department is satisfied that all other requirements have been met.

[2001 c 125 § 3.]

NOTES:

Effective date--2001 c 125: See note following RCW 46.12.030.

RCW 46.12.050 Issuance of certificates--Contents.

The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have a certificate of ownership thereof in the applicant's name, shall issue an appropriate electronic record of ownership or a written certificate of ownership, over the director's signature, authenticated by seal, and if required, a new written certificate of license registration if certificate of license registration is required.

The certificates of ownership and the certificates of license registration shall contain

upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it has been rebuilt after becoming a salvage vehicle, such fact shall be clearly shown thereon.

All certificates of ownership of motor vehicles issued after April 30, 1990, shall reflect the odometer reading as provided by the odometer disclosure statement submitted with the title application involving a transfer of ownership.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

[1996 c 26 § 2; 1993 c 307 § 1; 1990 c 238 § 3; 1975 c 25 § 9; 1967 c 32 § 9; 1961 c 12 § 46.12.050. Prior: 1959 c 166 § 1; 1947 c 164 § 2; 1937 c 188 § 4; Rem. Supp. 1947 § 6312-4.]

Notes:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

RCW 46.12.055 Certificate of ownership--Manufactured homes.

The certificate of ownership for a manufactured home may be eliminated or not issued when the manufactured home is registered pursuant to chapter 65.20 RCW. When the certificate of ownership is eliminated or not issued the application for license shall be recorded in the county property records of the county where the real property to which the home is affixed is located. All license fees and taxes applicable to mobile homes under this chapter are due and shall be collected prior to recording the ownership with the county auditor.

[1989 c 343 § 19.]

Notes:

Severability--Effective date--1989 c 343: See RCW 65.20.940 and 65.20.950.

RCW 46.12.060 Procedure when identification number altered or obliterated.

Before the department shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the department, accompanied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for such vehicle. Upon receipt of such application, the department, if satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vehicle, which shall be noted upon the application

therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by the department. This assigned identification number shall be placed or stamped in a conspicuous position upon the vehicle in such manner and form as may be prescribed by the department. Upon receipt by the department of an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the department shall use such number as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership that may thereafter be issued therefor.

[2001 c 125 § 4; 1975 c 25 § 10; 1974 ex.s. c 36 § 1; 1961 c 12 § 46.12.060. Prior: 1959 c 166 § 3; prior: 1951 c 269 § 2; 1947 c 164 § 3(a); 1939 c 182 § 1(a); 1937 c 188 § 5(a); Rem. Supp. 1947 § 6312-5(a).]

NOTES:

Effective date--2001 c 125: See note following RCW 46.12.030.

Effective date--1974 ex.s. c 36: "This 1974 amendatory act shall take effect on July 1, 1974." [1974 ex.s. c 36 § 2.]

RCW 46.12.070 Destruction of vehicle--Surrender of certificates, penalty--Notice of settlement by insurance company.

Upon the destruction of any vehicle issued a certificate of ownership under this chapter or a license registration under chapter 46.16 RCW, the registered owner and the legal owner shall forthwith and within fifteen days thereafter forward and surrender the certificate to the department, together with a statement of the reason for the surrender and the date and place of destruction. Failure to notify the department or the possession by any person of any such certificate for a vehicle so destroyed, after fifteen days following its destruction, is prima facie evidence of violation of the provisions of this chapter and constitutes a gross misdemeanor.

Any insurance company settling an insurance claim on a vehicle that has been issued a certificate of ownership under this chapter or a certificate of license registration under chapter 46.16 RCW as a total loss, less salvage value, shall notify the department thereof within fifteen days after the settlement of the claim. Notification shall be provided regardless of where or in what jurisdiction the total loss occurred.

[1990 c 250 § 28; 1961 c 12 § 46.12.070. Prior: 1959 c 166 § 4; prior: 1947 c 164 § 3(b); 1939 c 182 § 1(b); 1937 c 188 § 5(b); Rem. Supp. 1947 § 6312-5(b).]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.12.075 Rebuilt vehicles.

(1) Effective January 1, 1997, the department shall issue a unique certificate of ownership and certificate of license registration, as required by chapter 46.16 RCW, for vehicles that are rebuilt after becoming a salvage vehicle. Each certificate shall conspicuously display across its front, a word indicating that the vehicle was rebuilt.

(2) Beginning January 1, 1997, upon inspection of a salvage vehicle that has been rebuilt under RCW 46.12.030, the state patrol shall securely affix or inscribe a marking at the driver's

door latch pillar indicating that the vehicle has previously been destroyed or declared a total loss.

(3) It is a class C felony for a person to remove the marking prescribed in subsection (2) of this section.

(4) The department may adopt rules as necessary to implement this section.

[1996 c 26 § 3; 1995 c 256 § 24.]

RCW 46.12.080 Procedure on installation of different motor--Penalty.

Any person holding the certificate of ownership for a motorcycle or any vehicle registered by its motor number in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the department, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar and twenty-five cents, and a statement of the disposition of the former motor. The possession by any person of any such certificates for such vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor.

[1997 c 241 § 4; 1979 ex.s. c 113 § 1; 1961 c 12 § 46.12.080. Prior: 1959 c 166 § 5; prior: 1951 c 269 § 3; 1947 c 164 § 3(c); 1939 c 182 § 1(c); 1937 c 188 § 5(c); Rem. Supp. 1947 § 6312-5(c).]

RCW 46.12.095 Requirements for perfecting security interest.

A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required is perfected only by compliance with the requirements of RCW 46.12.103 under the circumstances provided for therein or by compliance with the requirements of this section:

(1) A security interest is perfected by the department's receipt of: (a) The existing certificate, if any, and (b) an application for a certificate of ownership containing the name and address of the secured party, and (c) tender of the required fee.

(2) A security interest is perfected as of the time of its creation if the secured party's name and address appear on the outstanding certificate of ownership; otherwise, as of the date on which the department has received the papers and fee required in subsection (1) of this section.

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, the following rules apply:

(b) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state. The name of the secured party shall be shown on the certificate of ownership issued for the vehicle by this state. The security interest continues perfected in this state upon the issuance of such ownership

certificate.

(c) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state.

[2000 c 250 § 9A-822; 1998 c 203 § 10; 1969 ex.s. c 170 § 16; 1967 c 140 § 6.]

NOTES:

Effective date--2000 c 250: See RCW 62A.9A-701.

Finding--1998 c 203: See note following RCW 46.55.105.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.101 Transfer of ownership--Requirements--Penalty, exceptions.

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, the license plate number, or both, as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b).

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured

party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

[1998 c 203 § 11; 1991 c 339 § 19; 1990 c 238 § 4; 1987 c 127 § 1; 1984 c 39 § 1; 1972 ex.s. c 99 § 1; 1969 ex.s. c 281 § 38; 1969 ex.s. c 42 § 1; 1967 c 140 § 7.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.102 Release of owner from liability, requirements for.

An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of it to a purchaser shall not by reason of any of the provisions of this title be deemed

the owner of the vehicle so as to be subject to civil liability or criminal liability for the operation of the vehicle thereafter by another person when the owner has also fulfilled both of the following requirements:

(1) When he has made proper endorsement and delivery of the certificate of ownership and has delivered the certificate of registration as provided in this chapter;

(2) When he has delivered to the department either the notice as provided in RCW 46.12.101(1) or appropriate documents for registration of the vehicle pursuant to the sale or transfer.

[1984 c 39 § 2.]

RCW 46.12.103 Transitional ownership record.

(1) The purpose of a transitional ownership record is to enable a security interest in a motor vehicle to be perfected in a timely manner when the certificate of ownership is not available at the time the security interest is created, and to provide for timely notification to security interest holders under chapter 46.55 RCW.

(2) A transitional ownership record is only acceptable as an ownership record for vehicles currently stored on the department's computer system and if the certificate of ownership or other authorized proof of ownership for the motor vehicle is not in the possession of the selling vehicle dealer or new security interest holder at the time the transitional ownership record is submitted to the department.

(3) A person shall submit the transitional ownership record to the department or to any of its agents or subagents. Agents and subagents shall immediately electronically transmit the transitional ownership records to the department. A transitional ownership document processed and recorded by an agent or subagent may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b).

(4) "Transitional ownership record" means a record containing all of the following information:

- (a) The date of sale;
- (b) The name and address of each owner of the vehicle;
- (c) The name and address of each security interest holder;
- (d) If there are multiple security interest holders, the priorities of interest if the security interest holders do not jointly hold a single security interest;
- (e) The vehicle identification number, the license plate number, if any, the year, make, and model of the vehicle;
- (f) The name of the selling dealer or security interest holder who is submitting the transitional ownership record; and
- (g) The transferee's driver's license number, if available.

(5) The report of sale form prescribed or approved by the department under RCW 46.12.101 may be used by a vehicle dealer as the transitional ownership record.

(6) Compliance with the requirements of this section shall result in perfection of a security interest in the vehicle as of the date the department receives the transitional ownership

record and any fee required under subsection (3) of this section. Within ten days of receipt of the certificate of ownership for the vehicle, or of written confirmation that only an electronic record of ownership exists or that the certificate of ownership has been lost or destroyed, the selling dealer or new security interest holder shall promptly submit the same to the department together with an application for a new certificate of ownership containing the name and address of the secured party and tender the required fee as provided in RCW 46.12.095(1). In the event a secured party fails to submit an application within the ten-day time period provided in this subsection (6), its security interest shall become unperfected, unless the security interest is perfected otherwise.

[2000 c 250 § 9A-823; 1998 c 203 § 12.]

NOTES:

Effective date--2000 c 250: See RCW 62A.9A-701.

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.12.105 Transfer of ownership of mobile home, county assessor notified--Evidence of taxes paid.

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the department of licensing or its agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner. A certificate of ownership for a mobile home shall not be transferred or issued until the department has verified that any taxes due on the sale of the mobile home under *chapter 82.45 RCW and any other taxes due under chapter 84.52 RCW have been paid.

A copy of the real estate excise tax affidavit which has been stamped by the county treasurer shall be deemed sufficient evidence that the taxes due upon the sale of a used mobile home have been paid.

A copy of a treasurer certificate, which is prepared by the treasurer of the county in which the used mobile home is located and which states that all property taxes due upon the used mobile home being sold have been satisfied, shall be deemed sufficient evidence that the property taxes due have been paid.

[1979 ex.s. c 266 § 5; 1979 c 158 § 133; 1971 ex.s. c 231 § 13.]

Notes:

***Reviser's note:** This reference has been changed from chapter 28A.45 RCW to chapter 82.45 RCW in accordance with 1981 c 148 § 13 and 1981 c 93 § 2. See note following RCW 82.45.010.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.12.124 Odometer disclosure statement.

(1) The department shall require an odometer disclosure statement to accompany every application for a certificate of ownership, unless specifically exempted. If the certificate of ownership was issued after April 30, 1990, a secure odometer statement is required, unless

specifically exempted. The statements shall include, at a minimum, the following:

(a) The miles shown on the odometer at the time of transfer of ownership;

(b) The date of transfer of ownership;

(c) One of the following statements:

(i) The mileage reflected is actual to the best of transferor's knowledge;

(ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(iii) The odometer reading is not the actual mileage;

If the odometer reading is under one hundred thousand miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is one hundred thousand miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability;

(d) A complete description of the vehicle, including the:

(i) Model year;

(ii) Make;

(iii) Series and body type (model);

(iv) Vehicle identification number;

(v) License plate number and state (optional);

(e) The name, address, and signature of the transferor, in accordance with the following conditions:

(i) Only one registered owner is required to complete the odometer disclosure statement;

(ii) When the registered owner is a business, both the business name and a company representative's name must be shown on the odometer disclosure statement;

(f) The name and address of the transferee and the transferee's signature to acknowledge the transferor's information. If the transferee represents a company, both the company name and the agent's name must be shown on the odometer disclosure statement;

(g) A statement that the notice is required by the federal Truth in Mileage Act of 1986; and

(h) A statement that failure to complete the odometer disclosure statement or providing false information may result in fines or imprisonment or both.

(2) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.

(3) The following vehicles are not subject to the odometer disclosure requirement at the time of ownership transfer:

(a) A vehicle having a declared gross vehicle weight of more than sixteen thousand pounds;

(b) A vehicle that is not self-propelled;

(c) A vehicle that is ten years old or older;

(d) A vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or

(e) A new vehicle before its first retail sale.

[1990 c 238 § 6.]

Notes:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

RCW 46.12.130 Assigned certificate of ownership to be filed by department--Transfer of interest in vehicle.

Certificates of ownership when assigned and returned to the department, together with subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vehicle designated therein:

(1) If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the transferee shall, except as provided in subsection (3) of this section, promptly mail or deliver to the department the last certificate of ownership if available, proof of transfer, and his application for a new certificate in the form the department prescribes.

(2) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a secured party named in the certificate of ownership, the transferee shall promptly mail or deliver to the department the last certificate of ownership, his application for a new certificate in the form the department prescribes, and an affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(3) If the secured party succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of ownership but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee.

[1967 c 140 § 3; 1961 c 12 § 46.12.130. Prior: 1959 c 166 § 11; prior: 1947 c 164 § 4(d); 1937 c 188 § 6(d); Rem. Supp. 1947 § 6312-6(d).]

Notes:

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.151 Procedure when department unsatisfied as to ownership and security interests.

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant. The bond shall be in an amount equal to one and one-half times the

value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. At the end of three years or prior thereto if the vehicle is no longer registered in this state or when satisfactory evidence of ownership is surrendered to the department, the owner may apply to the department for a replacement certificate of ownership without reference to the bond.

[1990 c 250 § 30; 1967 c 140 § 9.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.160 Refusal or cancellation of certificate--Notice--Penalty for subsequent operation.

If the department determines at any time that an applicant for certificate of ownership or for a certificate of license registration for a vehicle is not entitled thereto, the department may refuse to issue such certificate or to license the vehicle and may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the registered or legal vehicle owner or owners, and recording the transmittal on an affidavit of first class mail. It shall then be unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ownership or license registration has been issued, and any person removing, driving, or operating such vehicle after the refusal of the department to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor.

[1994 c 262 § 5; 1975 c 25 § 12; 1961 c 12 § 46.12.160. Prior: 1959 c 166 § 14; prior: 1947 c 164 § 4(g); 1937 c 188 § 6(g); Rem. Supp. 1947 § 6312-6(g).]

RCW 46.12.170 Procedure when security interest is granted on vehicle.

If, after a certificate of ownership is issued, a security interest is granted on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, to which shall be attached the certificate of ownership last issued covering the vehicle, or such other documentation as may be required by the department, which application shall be upon a form approved by the department and shall be accompanied by a fee of one dollar and twenty-five cents in addition to all other fees. The department, if satisfied

that there should be a reissue of the certificate, shall note such change upon the vehicle records and issue to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee or transferee, and transmit the certificate to the department with an accompanying fee of one dollar and twenty-five cents in addition to all other fees. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign the certificate of ownership to the debtor or the debtor's assignee or transferee or transmit the certificate of ownership to the department within ten days after proper demand, that secured party shall be liable to the debtor or the debtor's assignee or transferee for one hundred dollars, and in addition for any loss caused to the debtor or the debtor's assignee or transferee by such failure.

[1997 c 432 § 5; 1997 c 241 § 5; 1994 c 262 § 6; 1979 ex.s. c 113 § 2; 1975 c 25 § 13; 1967 c 140 § 4; 1961 c 12 § 46.12.170. Prior: 1951 c 269 § 4; 1947 c 164 § 5; 1939 c 182 § 2; 1937 c 188 § 7; Rem. Supp. 1947 § 6312-7.]

Notes:

Reviser's note: This section was amended by 1997 c 241 § 5 and by 1997 c 432 § 5, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.181 Duplicate for lost, stolen, mutilated, etc., certificates.

If a certificate of ownership is lost, stolen, mutilated, or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and twenty-five cents in addition to all other fees and upon furnishing information satisfactory to the department. The duplicate certificate of ownership shall contain the legend, "duplicate." It shall be provided to the first priority secured party named in it or, if none, to the owner.

A person recovering an original certificate of ownership for which a duplicate has been issued shall promptly surrender the original certificate to the department.

[1997 c 241 § 7; 1994 c 262 § 7; 1990 c 250 § 31; 1969 ex.s. c 170 § 1; 1967 c 140 § 8.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.190 Legal owner not liable for acts of registered owner.

The person, firm, copartnership, association or corporation to whom a certificate of ownership shall have been issued shall not thereby incur liability or be responsible for damage,

or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of such registered owner.

[1961 c 12 § 46.12.190. Prior: 1937 c 188 § 10, part; RRS § 6312-10, part.]

RCW 46.12.200 State or director not liable for acts in administering chapter.

No suit or action shall ever be commenced or prosecuted against the director of licensing or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter.

[1979 c 158 § 134; 1967 c 32 § 11; 1961 c 12 § 46.12.200. Prior: 1937 c 188 § 10, part; RRS § 6312-10, part.]

RCW 46.12.210 Penalty for false statements or illegal transfers.

Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of ownership or in any assignment thereof, or who with intent to procure or pass ownership to a vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another or who shall have in his possession any vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This provision shall not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a motor vehicle.

[1961 c 12 § 46.12.210. Prior: 1937 c 188 § 12; RRS § 6312-12.]

RCW 46.12.215 Unlawful sale of certificate of ownership.

It is a class C felony for a person to sell or convey a vehicle certificate of ownership except in conjunction with the sale or transfer of the vehicle for which the certificate was originally issued.

[1995 c 256 § 1.]

RCW 46.12.220 Alteration or forgery--Penalty.

Any person who shall alter or forge or cause to be altered or forged any certificate issued by the director pursuant to the provisions of this chapter, or any assignment thereof, or any release or notice of release of any encumbrance referred to therein, or who shall hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged, shall be guilty of a felony.

[1967 c 32 § 12; 1961 c 12 § 46.12.220. Prior: 1937 c 188 § 13; RRS § 6312-13.]

RCW 46.12.230 Permit to licensed wrecker to junk vehicle--Fee.

Any licensed wrecker in possession of a motor vehicle ten years old or older, and ownership of which or whose owner's residence is unknown, may apply to the department for a permit to junk or wreck such motor vehicle, or any part thereof. Upon such application, a permit may be issued by the department, upon receipt of a fee of one dollar, in a form to be prescribed by the department to authorize such wrecker to wreck or junk such vehicle, or any part thereof.

[1975 c 25 § 14; 1967 c 32 § 13; 1961 c 12 § 46.12.230. Prior: 1957 c 273 § 12.]

RCW 46.12.240 Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate.

(1) The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 RCW is conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of the license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

(2) This section does not apply to vehicle registration cancellations under *RCW 46.16.710 through 46.16.760.

[1987 c 388 § 8; 1965 ex.s. c 121 § 42; 1961 c 12 § 46.20.340. Prior: 1953 c 23 § 2; 1937 c 188 § 74; RRS § 6312-74. Formerly RCW 46.20.340.]

Notes:

*Reviser's note: RCW 46.16.710 through 46.16.760 expired July 1, 1993.

Effective date--Severability--1987 c 388: See notes following RCW 46.20.342.

RCW 46.12.250 Ownership of motor vehicle by person under eighteen prohibited--Exceptions.

It shall be unlawful for any person under the age of eighteen to be the registered or legal owner of any motor vehicle: PROVIDED, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is on active duty in the United States armed forces nor to any minor who is in effect emancipated: PROVIDED further, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is the registered owner of a motor vehicle prior to August 11, 1969 or who became the registered or legal owner of a motor vehicle while a nonresident of this

state.

[1969 ex.s. c 125 § 1.]

RCW 46.12.260 Sale or transfer of motor vehicle ownership to person under eighteen prohibited.

It shall be unlawful for any person to convey, sell or transfer the ownership of any motor vehicle to any person under the age of eighteen: PROVIDED, That this section shall not apply to a vendor if the minor provides the vendor with a certified copy of an original birth registration showing the minor to be over eighteen years of age. Such certified copy shall be transmitted to the department of licensing by the vendor with the application for title to said motor vehicle.

[1979 c 158 § 135; 1969 ex.s. c 125 § 2.]

RCW 46.12.270 Penalty for violation of RCW 46.12.250 or 46.12.260.

Any person violating RCW 46.12.250 or 46.12.260 or who transfers, sells, or encumbers an interest in a vehicle in violation of RCW 46.61.5058, with actual notice of the prohibition, is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days.

[1994 c 139 § 2; 1993 c 487 § 6; 1969 ex.s. c 125 § 3.]

RCW 46.12.280 Campers--Application to--Rules and regulations.

The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in RCW 46.04.085. In addition, the director of licensing shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.

[1979 c 158 § 136; 1971 ex.s. c 231 § 6.]

Notes:

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.12.290 Mobile or manufactured homes, application of chapter to--Rules.

(1) The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of chapter 231, Laws of 1971 ex. sess. or chapter 65.20 RCW apply to mobile or manufactured homes: PROVIDED, That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to mobile or manufactured homes.

(2) In order to transfer ownership of a mobile home, all registered owners of record must sign the title certificate releasing their ownership.

(3) The director of licensing shall have the power to adopt such rules as necessary to implement the provisions of this chapter relating to mobile homes.

[1993 c 154 § 2. Prior: 1989 c 343 § 20; 1989 c 337 § 4; 1981 c 304 § 2; 1979 c 158 § 137; 1971 ex.s. c 231 § 14.]

Notes:

Severability--Effective date--1989 c 343: See RCW 65.20.940 and 65.20.950.

Severability--1981 c 304: See note following RCW 26.16.030.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.12.295 Mobile homes--Titling functions transferred to department of community, trade, and economic development.

The department of licensing shall transfer all titling functions pertaining to mobile homes to the housing division of the department of community, trade, and economic development by July 1, 1991. The department of licensing shall transfer all books, records, files, and documents pertaining to mobile home titling to the department of community, trade, and economic development. The directors of the departments may immediately take such steps as are necessary to ensure that chapter 176, Laws of 1990 is implemented on June 7, 1990.

[1995 c 399 § 117; 1990 c 176 § 3.]

Notes:

Department of community, trade, and economic development duties: RCW 43.63A.460.

RCW 46.12.300 Serial numbers on vehicles, watercraft, campers, or parts--Buying, selling, etc., with numbers removed, altered, etc.--Penalty.

Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his possession any vehicle, watercraft, camper, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof shall be guilty of a gross misdemeanor.

[1975-'76 2nd ex.s. c 91 § 1.]

Notes:

Severability--1975-'76 2nd ex.s. c 91: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 91 § 10.]

Effective date--1975-'76 2nd ex.s. c 91: "This act shall take effect on July 1, 1976." [1975-'76 2nd ex.s. c 91 § 11.]

RCW 46.12.310 Serial numbers--Seizure and impoundment of vehicles, etc.--Notice to interested persons--Release to owner, etc.

(1) Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, may be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the

identity of the article or articles, and to determine whether it had been reported stolen.

(2) Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the law enforcement agency seizing the article or articles shall send written notice of such impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The seizing agency shall exercise reasonable diligence in ascertaining the names and addresses of those persons claiming an interest in the article or articles. Such notice shall advise the person of the fact of seizure, the possible disposition of the article or articles, the requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the seizing agency shall send a like notice to each such person.

(3) If reported as stolen, the seizing law enforcement agency shall promptly release such vehicle, watercraft, camper, or parts thereof as have been stolen, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the possession of the article or articles.

[1995 c 256 § 2; 1975-'76 2nd ex.s. c 91 § 2.]

Notes:

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.320 Serial numbers--Disposition of vehicles, etc., authorized, when.

Unless a claim of ownership to the article or articles is established pursuant to RCW 46.12.330, the law enforcement agency seizing the vehicle, watercraft, camper, or component part thereof may dispose of them by destruction, by selling at public auction to the highest bidder, or by holding the article or articles for the official use of the agency, when:

(1) The true identity of the article or articles cannot be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks or by any other means;

(2) After the true identity of the article or articles has been established, the seizing law enforcement agency cannot locate the person who is the lawful owner or if such lawful owner or his successor in interest fails to claim the article or articles within forty-five days after receiving notice from the seizing law enforcement agency that the article or articles is in its possession.

No disposition of the article or articles pursuant to this section shall be undertaken until at least sixty days have elapsed from the date of seizure and written notice of the right to a hearing to establish a claim of ownership pursuant to RCW 46.12.330 and of the potential disposition of the article or articles shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who, prior to the final disposition of the article, has notified the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof.

[1975-'76 2nd ex.s. c 91 § 3.]

Notes:

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.330 Serial numbers--Hearing--Appeal--Removal to court--Release.

(1) Any person may submit a written request for a hearing to establish a claim of ownership or right to lawful possession of the vehicle, watercraft, camper, or component part thereof seized pursuant to this section.

(2) Upon receipt of a request for hearing, one shall be held before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW.

(3) Such hearing shall be held within a reasonable time after receipt of a request therefor. Reasonable investigative activities, including efforts to establish the identity of the article or articles and the identity of the person entitled to the lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time within which a hearing must be held.

(4) The hearing and any appeal therefrom shall be conducted in accordance with Title 34 RCW.

(5) The burden of producing evidence shall be upon the person claiming to be the lawful owner or to have the lawful right of possession to the article or articles.

(6) Any person claiming ownership or right to possession of an article or articles subject to disposition under RCW 46.12.310 through 46.12.340 may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is two hundred dollars or more. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. For purposes of this section the seizing law enforcement agency shall not be considered a claimant.

(7) The seizing law enforcement agency shall promptly release the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof.

[1981 c 67 § 27; 1975-'76 2nd ex.s. c 91 § 4.]

Notes:

Effective dates--Severability--1981 c 67: See notes following RCW 34.12.010.

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.340 Serial numbers--Release of vehicle, etc.

The seizing law enforcement agency may release the article or articles impounded pursuant to this section to the person claiming ownership without a hearing pursuant to RCW 46.12.330 when such law enforcement agency is satisfied after an appropriate investigation as to the claimant's right to lawful possession. If no hearing is contemplated as provided for in RCW

46.12.330 such release shall be within a reasonable time following seizure. Reasonable investigative activity, including efforts to establish the identity of the article or articles and the identity of the person entitled to lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time in which release must be made.

[1975-'76 2nd ex.s. c 91 § 5.]

Notes:

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.350 Assignment of new serial number.

An identification number shall be assigned to any article impounded pursuant to RCW 46.12.310 in accordance with the rules promulgated by the department of licensing prior to:

- (1) The release of the article from the custody of the seizing agency; or
- (2) The use of the article by the seizing agency.

[1979 c 158 § 138; 1975-'76 2nd ex.s. c 91 § 6.]

Notes:

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.370 Lists of registered and legal owners of vehicles--Furnished for certain purposes--Penalty for unauthorized use.

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(3) A commercial parking company requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(4) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers; or

(5) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing.

In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

[1997 c 432 § 6; 1997 c 33 § 1; 1982 c 215 § 1.]

Notes:

Reviser's note: This section was amended by 1997 c 33 § 1 and by 1997 c 432 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 46.12.380 Disclosure of names and addresses of individual vehicle owners.

(1) Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or agency or firm authorized by the department except under the following circumstances:

(a) The requesting party is a business entity that requests the information for use in the course of business;

(b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(2) The disclosing entity shall retain the request for disclosure for three years.

(3) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle owner, to whom the information applies, that the request has been granted. The notice also shall contain the name and address of the requesting party.

(4) Any person who is furnished vehicle owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.

(5) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the

disclosure of the names or addresses of vehicle owners.

(6) This section shall not apply to title history information under RCW 19.118.170.

[1995 c 254 § 10; 1990 c 232 § 2; 1987 c 299 § 1; 1984 c 241 § 2.]

Notes:

Effective date--Severability--1995 c 254: See notes following RCW 19.118.021.

Legislative finding and purpose--1990 c 232: "The legislature recognizes the extraordinary value of the vehicle title and registration records for law enforcement and commerce within the state. The legislature also recognizes that indiscriminate release of the vehicle owner information to be an infringement upon the rights of the owner and can subject owners to intrusions on their privacy. The purpose of this act is to limit the release of vehicle owners' names and addresses while maintaining the availability of the vehicle records for the purposes of law enforcement and commerce." [1990 c 232 § 1.]

RCW 46.12.390 Disclosure violations, penalties.

(1) The department may review the activities of a person who receives vehicle record information to ensure compliance with the limitations imposed on the use of the information. The department shall suspend or revoke for up to five years the privilege of obtaining vehicle record information of a person found to be in violation of chapter 42.17 RCW, this chapter, or a disclosure agreement executed with the department.

(2) In addition to the penalty in subsection (1) of this section:

(a) The unauthorized disclosure of information from a department vehicle record; or

(b) The use of a false representation to obtain information from the department's vehicle records; or

(c) The use of information obtained from the department vehicle records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vehicle owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or by both such fine and imprisonment for each violation.

[1990 c 232 § 3.]

Notes:

Legislative finding and purpose--1990 c 232: See note following RCW 46.12.380.

RCW 46.12.420 Street rod vehicles.

The state patrol shall inspect a street rod vehicle and assign a vehicle identification number in accordance with this chapter.

A street rod vehicle shall be titled as the make and year of the vehicle as originally manufactured. The title shall be branded with the designation "street rod."

[1996 c 225 § 6.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.12.430 Parts cars.

The owner of a parts car must possess proof of ownership for each such vehicle.

[1996 c 225 § 7.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.12.440 Kit vehicles--Application for certificate of ownership.

The following procedures must be followed when applying for a certificate of ownership for a kit vehicle:

(1) The vehicle identification number (VIN) of a new vehicle kit and of a body kit will be taken from the manufacturer's certificate of origin belonging to that vehicle. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

(2) The model year of a manufactured new vehicle kit and manufactured body kit is the year reflected on the manufacturer's certificate of origin.

(3) The make shall be listed as "KITV," and the series and body designation must describe what the vehicle looks like, i.e. Bradley GT, 57 MG, and must include the word "replica."

(4) Except for kit vehicles licensed under RCW 46.16.680(5), kit vehicles must comply with chapter 204-90 WAC.

(5) The application for the certificate of ownership must be accompanied by the following documents:

(a) For a manufactured new vehicle kit, the manufacturer's certificate of origin or equivalent document;

(b)(i) For a manufactured body kit, the manufacturer's certificate of origin or equivalent document; (ii) for the frame, the title or a certified copy or equivalent document;

(c) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax. The bills of sale must include the names and addresses of the seller and purchaser, a description of the vehicle or part being sold, including the make, model, and identification or serial number, the date of sale, and the purchase price of the vehicle or part;

(d) A statement as defined in WAC 308-56A-150 by an authorized inspector of the Washington state patrol or other person authorized by the department of licensing verifying the vehicle identification number, and year and make when applicable;

(e) A completed declaration of value form (TD 420-737) to determine the value for excise tax if the purchase cost and year is unknown or incomplete.

(6) A Washington state patrol VIN inspector must ensure that all parts are documented by titles, notarized bills of sale, or business receipts such as obtained from a wrecking yard

purchase. The bills of sale must contain the VIN of the vehicle the parts came from, or the yard number if from a wrecking yard.

[1996 c 225 § 8.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.12.450 Kit vehicles--Issuance of certificate of ownership or registration.

The following documents are required for issuance of a certificate of ownership or registration for a kit vehicle:

(1) For a new vehicle kit or a manufactured body kit, the owner shall supply a manufacturer's certificate of origin or a factory invoice.

(2) For a manufactured body kit, proof of ownership for all major parts used in the construction of the vehicle is required.

(a) Major parts include:

(i) Frame;

(ii) Engine;

(iii) Axles;

(iv) Transmission;

(v) Any other parts that carry vehicle identification numbers.

(b) If the frame from a donor vehicle is used and the remainder of the donor vehicle is to be sold or destroyed, the title is required as an ownership document to the buyer. The agent or subagent may make a certified copy of the title for documentation of the frame for this transaction.

(3) Payment of use tax on the frame and all component parts used is required, unless proof of payment of the sales or use tax is submitted.

(4) A completed declaration of value form (TD 420-737) to determine the value of the vehicle for excise tax purposes is required if the purchase cost and year of purchase is unknown.

(5) An odometer disclosure statement is required on all originals and transfers of title for vehicles under ten years old, unless otherwise exempt by law.

[1996 c 225 § 9.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.12.500 Commercial vehicle--Compliance statement.

When applicable, the certificate of registration must include a statement that the owner or entity operating a commercial vehicle must be in compliance with the requirements of the United States department of transportation federal motor carrier safety regulations contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing.

[1999 c 351 § 4.]

Notes:

Reviser's note: This section was directed to be codified in chapter 46.16 RCW, but placement in chapter 46.12 RCW appears to be more appropriate.

**Chapter 46.16 RCW
VEHICLE LICENSES**

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NOTES:

Auto transportation companies: Chapter 81.68 RCW.

Free license plates

disabled veterans, prisoners of war: RCW 73.04.110.

surviving spouse of prisoner of war: RCW 73.04.115.

Rental cars: RCW 46.87.023.

Special license plates--Fee--Hulk haulers or scrap processors: RCW 46.79.060.

Unprocessed agricultural products, license for transport: RCW 20.01.120.

RCW 46.16.006 "Registration year" defined--Registration months--"Last day of the month."

(1) The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW means the effective period of a vehicle license issued by the department. Such year commences at 12:01 a.m. on the date of the calendar year designated by the department and ends at 12:01 a.m. on the same date of the next succeeding calendar year. If a vehicle license previously issued in this state has expired and is renewed with a different registered owner, a new registration year is deemed to commence upon the date the expired license is renewed in order that the renewed license be useable for a full twelve-month period.

(2) Each registration year may be divided into twelve registration months. Each registration month commences on the day numerically corresponding to the day of the calendar month on which the registration year begins, and terminates on the numerically corresponding day of the next succeeding calendar month.

(3) Where the term "last day of the month" is used in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it means the last day of such calendar month or months irrespective of the numerical designation of that day.

(4) If the final day of a registration year or month falls on a Saturday, Sunday, or legal holiday, such period extends through the end of the next business day.

[1992 c 222 § 1; 1983 c 27 § 1; 1981 c 214 § 1; 1975 1st ex.s. c 118 § 1.]

NOTES:

Effective date--1975 1st ex.s. c 118: "This 1975 amendatory act shall take effect on January 1, 1977: PROVIDED, That the director of the department of motor vehicles may, prior to such effective date, undertake and perform duties and conduct activities necessary for the timely implementation of this 1975 amendatory act on such

date." [1975 1st ex.s. c 118 § 19.]

Severability--1975 1st ex.s. c 118: "If any provision of this 1975 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this 1975 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby." [1975 1st ex.s. c 118 § 18.]

RCW 46.16.010 Licenses and plates required--Penalties--Exceptions.

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof must be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred.

Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(3) These provisions shall not apply to the following vehicles:

(a) Electric-assisted bicycles;

(b) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(c) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(d) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission

exclusively for park maintenance and operations upon public highways within state parks;

(e) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

[2000 c 229 § 1; 1999 c 277 § 4. Prior: 1997 c 328 § 2; 1997 c 241 § 13; 1996 c 184 § 1; 1993 c 238 § 1; 1991 c 163 § 1; 1989 c 192 § 2; 1986 c 186 § 1; 1977 ex.s. c 148 § 1; 1973 1st ex.s. c 17 § 2; 1972 ex.s. c 5 § 2; 1969 c 27 § 3; 1967 c 202 § 2; 1963 ex.s. c 3 § 51; 1961 ex.s. c 21 § 32; 1961 c 12 § 46.16.010; prior: 1955 c 265 § 1; 1947 c 33 § 1; 1937 c 188 § 15; Rem. Supp. 1947 § 6312-15; 1929 c 99 § 5; RRS § 6324.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--2000 c 229: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 30, 2000]." [2000 c 229 § 9.]

Effective date--1996 c 184 §§ 1-6: "Sections 1 through 6 of this act take effect January 1, 1997." [1996 c 184 § 8.]

Legislative intent--1989 c 192: "The legislature recognizes that there are residents of this state who intentionally register motor vehicles in other states to evade payment of taxes and fees required by the laws of this state. This results in a substantial loss of revenue to the state. It is the intent of the legislature to impose a stronger criminal penalty upon those residents who defraud the state, thereby enhancing compliance with the registration laws of this state and further enhancing enforcement and collection efforts.

In order to encourage voluntary compliance with the registration laws of this state, administrative penalties associated with failing to register a motor vehicle are waived until September 1, 1989. It is not the intent of the legislature to waive traffic infraction or criminal traffic violations imposed prior to July 23, 1989." [1989 c 192 § 1.]

Effective date--1989 c 192 § 2: "Section 2 of this act shall take effect September 1, 1989." [1989 c 192 § 3.]

RCW 46.16.011 Allowing unauthorized person to drive--Penalty.

It is unlawful for any person in whose name a vehicle is registered knowingly to permit another person to drive the vehicle when the other person is not authorized to do so under the laws of this state. A violation of this section is a misdemeanor.

[1987 c 388 § 10.]

Notes:

Severability--1987 c 388: See note following RCW 46.20.342.
Allowing unauthorized child to drive: RCW 46.20.024.

RCW 46.16.012 Immunity from liability for licensing nonroadworthy vehicle.

The director, the state of Washington, and its political subdivisions shall be immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle.

[1986 c 186 § 5.]

RCW 46.16.015 Emission control inspections required--Exceptions--Educational information.

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle or change the registered owner of a licensed vehicle, for any vehicle that is required to be inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within six months of the date of application for the vehicle license or license renewal. Certificates for fleet or owner tested diesel vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

- (a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;
- (b) Motor vehicles with a model year of 1967 or earlier;
- (c) Motor vehicles that use propulsion units powered exclusively by electricity;
- (d) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;
- (e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;
- (f) Farm vehicles as defined in RCW 46.04.181;
- (g) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW;
- (h) Classes of motor vehicles exempted by the director of the department of ecology;
- (i) Collector cars as identified by the department of licensing under RCW 46.16.305(1);

or

(j) Beginning January 1, 2000, vehicles that are less than five years old or more than twenty-five years old.

The provisions of (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of ecology shall provide information to motor vehicle owners regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas. In addition the department of ecology shall provide information to motor vehicle owners on the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle related air pollution. The department of licensing shall send to all registered motor vehicle owners affected by the emission testing program notice that they must have an emission test to renew their registration.

[1998 c 342 § 6; 1991 c 199 § 209; 1990 c 42 § 318; 1989 c 240 § 1; 1985 c 7 § 111. Prior: 1983 c 238 § 1; 1983 c 237 § 3; 1980 c 176 § 1; 1979 ex.s. c 163 § 11.]

Notes:

Finding--1991 c 199: See note following RCW 70.94.011.

Effective dates--Severability--Captions not law--1991 c 199: See RCW 70.94.904 through 70.94.906.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1989 c 240: See RCW 70.120.902.

Severability--1983 c 238: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 238 § 3.]

Legislative finding--1983 c 237: See note following RCW 46.37.467.

Effective date--1979 ex.s. c 163 § 11: "Section 11 of this act shall take effect on January 1, 1982. The director of the department of licensing and the director of the department of ecology are authorized to take immediately such steps as are necessary to ensure that section 11 of this act is implemented on its effective date."

[1979 ex.s. c 163 § 16.]

Severability--1979 ex.s. c 163: See note following RCW 70.120.010.

RCW 46.16.016 Emission control inspections--Rules for licensing requirements.

The director of the department of licensing shall adopt rules implementing and enforcing RCW 46.16.015, except for *RCW 46.16.015(2)(g) in accordance with chapter 34.05 RCW.

[1979 ex.s. c 163 § 15.]

Notes:

***Reviser's note:** RCW 46.16.015 was amended by 1991 c 199 § 209, changing subsection (2)(g) to subsection (2)(f).

Severability--1979 ex.s. c 163: See note following RCW 70.120.010.

RCW 46.16.020 Exemptions--State and publicly owned vehicles--Registration.

Any vehicle owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, or owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: PROVIDED, HOWEVER, That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display the vehicle license number plates assigned to it. The department shall assign a plate or plates to each vehicle or may assign a block of plates to an agency or political subdivision for further assignment by the agency or political subdivision to individual vehicles registered to it pursuant to this section. The agency, political subdivision, or Indian tribe, except a foreign government or international body, shall pay a fee of two dollars for the plate or plates for each vehicle. An Indian tribe is not entitled to license and register any tribal government service vehicle under this section if that tribe itself licenses or registers any tribal government service vehicles under tribal law. No vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or the director's duly authorized representative.

[1986 c 30 § 1; 1975 1st ex.s. c 169 § 5; 1973 1st ex.s. c 132 § 22; 1967 c 32 § 14; 1965 ex.s. c 106 § 1; 1961 c 12 § 46.16.020. Prior: 1939 c 182 § 4; 1937 c 188 § 21; RRS § 6312-21; 1925 ex.s. c 47 § 1; 1921 c 96 § 17; 1919 c 46 § 2; 1917 c 155 § 12; 1915 c 142 § 17; RRS § 6329.]

Notes:

Severability--1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

Marking of publicly owned vehicles: RCW 46.08.065 through 46.08.068.

Special license plates issued without fee

Congressional Medal of Honor recipients: RCW 46.16.305.

disabled veterans, prisoners of war: RCW 73.04.110.

surviving spouse of prisoner of war: RCW 73.04.115.

RCW 46.16.022 Exemptions--Vehicles owned by Indian tribes--Conditions.

(1) The provisions of this chapter relating to licensing of vehicles by this state, including the display of vehicle license number plates and license registration certificates, do not apply to vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, only when:

(a) The vehicle is used exclusively in tribal government service; and

(b) The vehicle has been licensed and registered under a law adopted by such tribal government; and

(c) Vehicle license number plates issued by the tribe showing the initial or abbreviation of the name of the tribe are displayed on the vehicle substantially as provided therefor in this state; and

(d) The tribe has not elected to receive any Washington state license plates for tribal government service vehicles pursuant to RCW 46.16.020; and

(e) If required by the department, the tribe provides the department with vehicle description and ownership information similar to that required for vehicles registered in this state, which may include the model year, make, model series, body type, type of power (gasoline, diesel, or other), VIN, and the license plate number assigned to each government service vehicle licensed by that tribe.

(2) The provisions of this section are operative as to a vehicle owned or leased by an Indian tribe located within this state and used exclusively in tribal government service only to the extent that under the laws of the tribe like exemptions and privileges are granted to all vehicles duly licensed under the laws of this state for operation of such vehicles on all tribal roads within the tribe's reservation. If under the laws of the tribe, persons operating vehicles licensed by this state are required to pay a license or registration fee or to carry or display vehicle license number plates or a registration certificate issued by the tribe, the tribal government shall comply with the provisions of this state's laws relating to the licensing and registration of vehicles operating on the highways of this state.

[1986 c 30 § 2.]

RCW 46.16.023 Ride-sharing vehicles--Special plates--Gross misdemeanor.

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the

special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of five dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who knowingly makes any false statement of a material fact in the application for a special plate under subsection (1) of this section is guilty of a gross misdemeanor.

[1993 c 488 § 5; 1987 c 175 § 2.]

NOTES:

Finding--Annual recertification rule--Report--1993 c 488: See notes following RCW 82.08.0287.

Effective date--1987 c 175 § 2: "Section 2 of this act shall take effect on January 1, 1988." [1987 c 175 § 4.]

RCW 46.16.025 Identification device for exempt farm vehicles--Application for--Contents--Fee.

Before any "farm vehicle", as defined in RCW 46.04.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of licensing and issued by the department of licensing, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) The name and address of the owner of the vehicle;
- (2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The purpose for which said vehicle is to be principally used;
- (4) Such other information as shall be required upon such application by the director; and
- (5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an

identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle.

[1979 c 158 § 139; 1967 c 202 § 3.]

RCW 46.16.028 "Resident" defined--Vehicle registration required.

(1) For the purposes of vehicle license registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(2) The term "Washington public assistance programs" referred to in subsection (1)(b) of this section includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and temporary assistance for needy families.

(3) A resident of the state shall register under chapters 46.12 and 46.16 RCW a vehicle to be operated on the highways of the state. New Washington residents shall be allowed thirty days from the date they become residents as defined in this section to procure Washington registration for their vehicles. This thirty-day period shall not be combined with any other period of reciprocity provided for in this chapter or chapter 46.85 RCW.

[1997 c 59 § 7; 1987 c 142 § 1; 1986 c 186 § 2; 1985 c 353 § 1.]

Notes:

Effective date--1985 c 353: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except for section 1 of this act, which shall take effect September 1, 1985." [1985 c 353 § 6.]

RCW 46.16.029 Purchasing vehicle with foreign plates.

It is unlawful to purchase a vehicle bearing foreign license plates without removing and destroying the plates unless (1) the out-of-state vehicle is sold to a Washington resident by a resident of a jurisdiction where the license plates follow the owner or (2) the out-of-state plates may be returned to the jurisdiction of issuance by the owner for refund purposes or (3) for such other reasons as the department may deem appropriate by rule.

[1987 c 142 § 2.]

RCW 46.16.030 Nonresident exemption--Reciprocity.

Except as is herein provided for foreign businesses, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his or her residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state. The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his or her residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign businesses owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned. Under provisions of the international registration plan, the nonmotor vehicles of member and nonmember jurisdictions which are properly based and licensed in such jurisdictions are granted reciprocity in this state as provided in RCW 46.87.070(2). The director is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation.

[1991 c 163 § 2; 1990 c 42 § 110; 1967 c 32 § 15; 1961 c 12 § 46.16.030. Prior: 1937 c 188 § 23; RRS § 6312-23; 1931 c 120 § 1; 1929 c 99 § 4; 1921 c 96 § 11; 1919 c 59 § 6; 1917 c 155 § 7; 1915 c 142 § 11; RRS § 6322.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 46.16.035 Exemptions--Private school buses.

Any bus or vehicle owned and operated by a private school or schools meeting the requirements of RCW 28A.195.010 and used by that school or schools primarily to transport children to and from school or to transport children in connection with school activities shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided. A license issued by the department for such bus or vehicle shall be considered an exempt license under RCW 82.44.010.

[1990 c 33 § 584; 1980 c 88 § 1.]

NOTES:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 46.16.040 Form of application--Contents.

Application for original vehicle license shall be made on [a] form furnished for the purpose by the department. Such application shall be made by the owner of the vehicle or duly authorized agent over the signature of such owner or agent, and the applicant shall certify that the statements therein are true to the best of the applicant's knowledge. The application must show:

- (1) Name and address of the owner of the vehicle and, if the vehicle is subject to a security agreement, the name and address of the secured party;
- (2) Trade name of the vehicle, model, year, type of body, the identification number thereof;
- (3) The power to be used--whether electric, steam, gas or other power;
- (4) The purpose for which said vehicle is to be used and the nature of the license required;
- (5) The licensed gross weight for such vehicle which in the case of for hire vehicles and auto stages with seating capacity of more than six shall be the adult seating capacity thereof, including the operator, as provided for in RCW 46.16.111. In the case of motor trucks, tractors, and truck tractors, the licensed gross weight shall be the gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;
- (6) The unladen weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;
- (7) Such other information as shall be required upon such application by the department.

[1987 c 244 § 2; 1975 c 25 § 15; 1969 ex.s. c 170 § 2. Prior: 1967 ex.s. c 83 § 59; 1967 c 32 § 16; 1961 c 12 § 46.16.040; prior: 1947 c 164 § 8; 1937 c 188 § 29; Rem. Supp. 1947 § 6312-29; 1921 c 96 § 5; 1919 c 178 § 1; 1919 c 59 § 4; 1915 c 142 § 5; RRS § 6316.]

Notes:

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.045 Temporary permits--Authority--Fees.

(1) The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2) The department may authorize vehicle dealers properly licensed pursuant to chapter 46.70 RCW to issue temporary permits to operate vehicles under such rules and regulations as the department deems appropriate.

(3) The fee for each temporary permit application distributed to an authorized vehicle dealer shall be five dollars, which shall be credited to the payment of registration fees at the time application for registration is made.

(4) The payment of the registration fees to an authorized dealer is considered payment to the state of Washington.

[1990 c 198 § 1; 1973 1st ex.s. c 132 § 23; 1961 c 12 § 46.16.045. Prior: 1959 c 66 § 1.]

Notes:

Severability--1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

RCW 46.16.047 Temporary permits--Form and contents--Duration--Fees.

Forms for such temporary permits shall be prescribed and furnished by the department. Temporary permits shall bear consecutive numbers, shall show the name and address of the applicant, trade name of the vehicle, model, year, type of body, identification number and date of application, and shall be such as may be affixed to the vehicle at the time of issuance, and remain on such vehicle only during the period of such registration and until the receipt of permanent license plates. The application shall be registered in the office of the person issuing the permit and shall be forwarded by him to the department each day together with the fee accompanying it.

A fee of fifty cents shall be charged by the person authorized to issue such permit which shall be accounted for in the same manner as the other fees collected by such officers, provided that such fees collected by county auditors or their agents shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund.

[1961 c 12 § 46.16.047. Prior: 1959 c 66 § 2.]

RCW 46.16.048 Temporary letter of authority for movement of unlicensed vehicle for special community event.

The department in its discretion may issue a temporary letter of authority authorizing the movement of an unlicensed vehicle or the temporary usage of a special plate for the purpose of promoting or participating in an event such as a parade, pageant, fair, convention, or other special community activity. The letter of authority may not be issued to or used by anyone for personal gain, but public identification of the sponsor or owner of the donated vehicle shall not be considered to be personal gain.

[1977 c 25 § 2.]

RCW 46.16.0621 License fee.

(1) License tab fees shall be thirty dollars per year for motor vehicles, regardless of year, value, make, or model, beginning January 1, 2000.

(2) For the purposes of this section, "license tab fees" are defined as the general fees paid

annually for licensing motor vehicles, including cars, sport utility vehicles, motorcycles, and motor homes.

[2000 1st sp.s. c 1 § 1.]

Notes:

Effective date--2000 1st sp.s. c 1: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 31, 2000]." [2000 1st sp.s. c 1 § 3.]

Retroactive application--2000 1st sp.s. c 1: "This act applies retroactively to January 1, 2000." [2000 1st sp.s. c 1 § 4.]

RCW 46.16.063 Additional fee for recreational vehicles.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each camper, travel trailer, and motor home as the same are defined in RCW 82.50.010 a fee of three dollars to be deposited in the RV account of the motor vehicle fund. Under RCW 43.135.055, the department of transportation may increase RV account fees by a percentage that exceeds the fiscal growth factor. After consultation with citizen representatives of the recreational vehicle user community, the department of transportation may implement RV account fee adjustments no more than once every four years. RV account fee adjustments must be preceded by evaluation of the following factors: Maintenance of a self-supporting program, levels of service at existing RV sanitary disposal facilities, identified needs for improved RV service at safety rest areas state-wide, sewage treatment costs, and inflation. If the department chooses to adjust the RV account fee, it shall notify the department of licensing six months before implementation of the fee increase. Adjustments in the RV account fee must be in increments of no more than fifty cents per biennium.

[1996 c 237 § 1; 1980 c 60 § 2.]

NOTES:

Effective date--1996 c 237 § 1: "Section 1 of this act takes effect with motor vehicle fees due or to become due September 1, 1996." [1996 c 237 § 4.]

Effective date--1980 c 60: See note following RCW 47.38.050.

RCW 46.16.065 Small trailer license fee--Conditions.

In lieu of the fees provided in RCW 46.16.0621, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed upon the payment of a license fee in the sum of four dollars and fifty cents or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee in the sum of three dollars and twenty-five cents, but only if such trailers are to be operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public.

[2001 c 64 § 4; 1975 1st ex.s. c 118 § 4; 1961 ex.s. c 7 § 10; 1961 c 12 § 46.16.065. Prior: 1951 c 269 § 7.]

NOTES:

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

RCW 46.16.068 Trailing units--Permanent plates.

Trailing units which are subject to *RCW 82.44.020(4) shall, upon application, be issued a permanent license plate that is valid until the vehicle is sold, permanently removed from the state, or otherwise disposed of by the registered owner. The fee for this license plate is thirty-six dollars. Upon the sale, permanent removal from the state, or other disposition of a trailing unit bearing a permanent license plate the registered owner is required to return the license plate and registration certificate to the department. Violations of this section or misuse of a permanent license plate may subject the registered owner to prosecution or denial, or both, of future permanent registration of any trailing units. This section does not apply to any trailing units subject to the annual excise taxes prescribed in *RCW 82.44.020. The department is authorized to adopt rules to implement this section for leased vehicles and other applications as necessary.

[1998 c 321 § 32 (Referendum Bill No. 49, approved November 3, 1998); 1993 c 123 § 4.]

NOTES:

- *Reviser's note: RCW 82.44.020 was repealed by 2000 1st sp.s. c 1 § 2.
- Purpose--Severability--1998 c 321:** See notes following RCW 82.14.045.
- Contingent effective dates--1998 c 321 §§ 23-42:** See note following RCW 35.58.273.
- Effective date of 1993 c 102 and c 123--1993 sp.s. c 23:** See note following RCW 46.16.070.

RCW 46.16.070 License fee on trucks, buses, and for hire vehicles based on gross weight.

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

| DECLARED GROSS WEIGHT | SCHEDULE A | SCHEDULE B |
|-----------------------|---------------|------------|
| 4,000 lbs.\$ | 37.00\$ | 37.00 |
| 6,000 lbs.\$ | 44.00\$ | 44.00 |
| 8,000 lbs.\$ | 55.00\$ | 55.00 |
| 10,000 lbs.\$ | 62.00\$ | 62.00 |
| 12,000 lbs.\$ | 72.00\$ | 72.00 |
| 14,000 lbs.\$ | 82.00\$ | 82.00 |
| 16,000 lbs.\$ | 92.00\$ | 92.00 |
| 18,000 lbs.\$ | 137.00\$ | 137.00 |
| 20,000 lbs.\$ | 152.00\$ | 152.00 |
| 22,000 lbs.\$ | 164.00\$ | 164.00 |

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| | | | |
|-------------------|-------------|-------|-------------|
| 24,000 lbs. | \$ 177.00 | | \$ 177.00 |
| 26,000 lbs. | \$ 187.00 | | \$ 187.00 |
| 28,000 lbs. | \$ 220.00 | | \$ 220.00 |
| 30,000 lbs. | \$ 253.00 | | \$ 253.00 |
| 32,000 lbs. | \$ 304.00 | ..... | \$ 304.00 |
| 34,000 lbs. | \$ 323.00 | ..... | \$ 323.00 |
| 36,000 lbs. | \$ 350.00 | ..... | \$ 350.00 |
| 38,000 lbs. | \$ 384.00 | ..... | \$ 384.00 |
| 40,000 lbs. | \$ 439.00 | ..... | \$ 439.00 |
| 42,000 lbs. | \$ 456.00 | ..... | \$ 546.00 |
| 44,000 lbs. | \$ 466.00 | ..... | \$ 556.00 |
| 46,000 lbs. | \$ 501.00 | ..... | \$ 591.00 |
| 48,000 lbs. | \$ 522.00 | ..... | \$ 612.00 |
| 50,000 lbs. | \$ 566.00 | ..... | \$ 656.00 |
| 52,000 lbs. | \$ 595.00 | ..... | \$ 685.00 |
| 54,000 lbs. | \$ 642.00 | ..... | \$ 732.00 |
| 56,000 lbs. | \$ 677.00 | ..... | \$ 767.00 |
| 58,000 lbs. | \$ 704.00 | ..... | \$ 794.00 |
| 60,000 lbs. | \$ 750.00 | ..... | \$ 840.00 |
| 62,000 lbs. | \$ 804.00 | ..... | \$ 894.00 |
| 64,000 lbs. | \$ 822.00 | ..... | \$ 912.00 |
| 66,000 lbs. | \$ 915.00 | ..... | \$ 1,005.00 |
| 68,000 lbs. | \$ 954.00 | ..... | \$ 1,044.00 |
| 70,000 lbs. | \$ 1,027.00 | ..... | \$ 1,117.00 |
| 72,000 lbs. | \$ 1,098.00 | ..... | \$ 1,188.00 |
| 74,000 lbs. | \$ 1,193.00 | ..... | \$ 1,283.00 |
| 76,000 lbs. | \$ 1,289.00 | ..... | \$ 1,379.00 |
| 78,000 lbs. | \$ 1,407.00 | ..... | \$ 1,497.00 |
| 80,000 lbs. | \$ 1,518.00 | ..... | \$ 1,608.00 |
| 82,000 lbs. | \$ 1,623.00 | ..... | \$ 1,713.00 |
| 84,000 lbs. | \$ 1,728.00 | ..... | \$ 1,818.00 |
| 86,000 lbs. | \$ 1,833.00 | ..... | \$ 1,923.00 |
| 88,000 lbs. | \$ 1,938.00 | ..... | \$ 2,028.00 |
| 90,000 lbs. | \$ 2,043.00 | ..... | \$ 2,133.00 |
| 92,000 lbs. | \$ 2,148.00 | ..... | \$ 2,238.00 |
| 94,000 lbs. | \$ 2,253.00 | ..... | \$ 2,343.00 |
| 96,000 lbs. | \$ 2,358.00 | ..... | \$ 2,448.00 |
| 98,000 lbs. | \$ 2,463.00 | ..... | \$ 2,553.00 |
| 100,000 lbs. | \$ 2,568.00 | ..... | \$ 2,658.00 |

| | | | |
|-------------------|-------------|-------|-------------|
| 102,000 lbs. | \$ 2,673.00 | ..... | \$ 2,763.00 |
| 104,000 lbs. | \$ 2,778.00 | ..... | \$ 2,868.00 |
| 105,500 lbs. | \$ 2,883.00 | ..... | \$ 2,973.00 |

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

[1994 c 262 § 8; 1993 sp.s. c 23 § 60. Prior: 1993 c 123 § 5; 1993 c 102 § 1; 1990 c 42 § 105; 1989 c 156 § 1; prior: 1987 1st ex.s. c 9 § 4; 1987 c 244 § 3; 1986 c 18 § 4; 1985 c 380 § 15; 1975-'76 2nd ex.s. c 64 § 1; 1969 ex.s. c 281 § 54; 1967 ex.s. c 118 § 1; 1967 ex.s. c 83 § 56; 1961 ex.s. c 7 § 11; 1961 c 12 § 46.16.070; prior: 1957 c 273 § 1; 1955 c 363 § 2; prior: 1951 c 269 § 9; 1950 ex.s. c 15 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; Rem. Supp. 1949 § 6312-17, part; RRS § 6326, part.]

NOTES:

Effective date--1994 c 262 §§ 8, 28: "Sections 8 and 28 of this act take effect July 1, 1994." [1994 c 262 § 29.]

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: "Chapter 102, Laws of 1993 and chapter 123, Laws of 1993 each take effect January 1, 1994." [1993 sp.s. c 23 § 66.]

Effective dates--1993 sp.s. c 23: See note following RCW 43.89.010.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Application--1989 c 156: "This act first applies to the renewal of vehicle registrations that have a December 1990 or later expiration date and all initial vehicle registrations that are effective on or after January 1, 1990." [1989 c 156 § 5.]

Severability--Effective date--1987 1st ex.s. c 9: See notes following RCW 46.29.050.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective dates--1975-'76 2nd ex.s. c 64: "Sections 1, 2, and 5 through 24 of this 1976 amendatory act shall take effect on July 1, 1976, and sections 3 and 4 of this 1976 amendatory act shall take effect on January 1, 1977. All current and outstanding valid licenses and permits held by licensees on July 1, 1976, shall remain valid until their expiration dates, but renewals and original applications made after July 1, 1976, shall be governed by the law in effect at the time such renewal or application is made." [1975-'76 2nd ex.s. c 64 § 25.]

Severability--1975-'76 2nd ex.s. c 64: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 64 § 26.]

Effective date--1969 ex.s. c 281: See note following RCW 46.88.010.

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.071 Additional fees.

(1) In addition to the fees set forth in RCW 46.16.070, there shall be paid and collected annually upon registration, a fee of one dollar for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, notwithstanding the provisions of RCW 46.16.070.

(2) In addition to the fees set forth in RCW 46.16.085, there shall be paid and collected annually upon registration, a fee of one dollar for each trailer, semitrailer, and pole trailer, notwithstanding the provisions of RCW 46.16.085.

(3) The proceeds from the fees collected under subsections (1) and (2) of this section shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor under RCW 46.01.140, the proceeds shall be credited to the current county expense fund.

[1996 c 315 § 4.]

Notes:

Effective dates--1996 c 315 §§ 1, 4, 5: See note following RCW 46.01.140.

RCW 46.16.073 Federal heavy vehicle use tax.

The department may refuse registration of a vehicle if the applicant has failed to furnish proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the internal revenue code of 1954 has been paid.

The department may adopt rules as deemed necessary to administer this section.

[1985 c 79 § 1.]

RCW 46.16.079 Fixed load motor vehicle equipped for lifting or towing--Capacity fee in addition to and in lieu.

The licensee of any fixed load motor vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a capacity fee of twenty-five dollars in addition to all other fees required for the annual licensing of motor vehicles in lieu of the licensing fees provided in RCW 46.16.070.

[1986 c 18 § 5; 1975 c 25 § 16; 1963 c 18 § 1.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.085 Commercial trailers, pole trailers--Fee in lieu.

In lieu of all other licensing fees, an annual license fee of thirty-six dollars shall be collected in addition to the excise tax prescribed in chapter 82.44 RCW for: (1) Each trailer and semitrailer not subject to the license fee under RCW 46.16.065 or the capacity fees under *RCW 46.16.080; (2) every pole trailer. The proceeds from this fee shall be distributed in accordance with RCW 46.68.035. This section does not pertain to travel trailers or personal use trailers that are not used for commercial purposes or owned by commercial enterprises.

[1991 c 163 § 3; 1989 c 156 § 2; 1987 c 244 § 4; 1986 c 18 § 8; 1985 c 380 § 16.]

NOTES:

***Reviser's note:** RCW 46.16.080 was repealed by 1994 c 262 § 28, effective July 1, 1994.

Application--1989 c 156: See note following RCW 46.16.070.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

RCW 46.16.088 Transfer of license plates--Penalty.

Except as provided in RCW 46.16.290, the transfer of license plates issued pursuant to this chapter between two or more vehicles is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate has been transferred between two or more vehicles shall confiscate the license plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate upon application by the owner or owners thereof and payment of the full fees and taxes.

[1986 c 18 § 9; 1985 c 380 § 17.]

Notes:

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

RCW 46.16.090 Gross weight fees on farm vehicles--Penalty.

Motor trucks, truck tractors, and tractors may be specially licensed based on the declared gross weight thereof for the various amounts set forth in the schedule provided in RCW 46.16.070 less twenty-three dollars; divide the difference by two and add twenty-three dollars, when such vehicles are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such vehicles are to be used for the transportation of the farmer's own farm, orchard, or dairy products, or the farmer's own private sector cultured aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse, and of supplies to

be used on the farmer's farm. Fish other than those that are such private sector cultured aquatic products and forestry products are not considered as farm products; and/or

(2) When such vehicles are to be used for the infrequent or seasonal transportation by one farmer for another farmer in the farmer's neighborhood of products of the farm, orchard, dairy, or aquatic farm owned by the other farmer from point of production to market or warehouse, or supplies to be used on the other farm, but only if transportation for another farmer is for compensation other than money. Farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on such vehicles, when used in the transportation of the farmer's own farm machinery between the farmer's own farm or farms and for a distance of not more than thirty-five miles from the farmer's farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles to indicate that the vehicle is specially licensed, or may, in its discretion, substitute a special license plate for such vehicle for such designation.

Operation of such a specially licensed vehicle in transportation upon public highways in violation of the limitations of this section is a traffic infraction.

[1989 c 156 § 3; 1986 c 18 § 10. Prior: 1985 c 457 § 16; 1985 c 380 § 18; 1979 ex.s. c 136 § 45; 1977 c 25 § 1; 1969 ex.s. c 169 § 1; 1961 c 12 § 46.16.090; prior: 1957 c 273 § 13; 1955 c 363 § 6; prior: 1953 c 227 § 1; 1951 c 269 § 12; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

Notes:

Application--1989 c 156: See note following RCW 46.16.070.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Unprocessed agricultural products, license for transport: RCW 20.01.120.

RCW 46.16.111 Gross weight, how computed.

The gross weight in the case of any motor truck, tractor, or truck tractor shall be the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter gear, or pole trailer to be towed thereby, to which shall be added the weight of the maximum load to be carried thereon or towed thereby as set by the licensee in the application if it does not exceed the weight limitations prescribed by chapter 46.44 RCW. If the sum of the scale weight and maximum load of the trailer is not greater than four thousand pounds, that sum shall not be computed as part of the gross weight of any motor truck, tractor, or truck tractor. Where the trailer is a utility trailer, travel trailer, horse trailer, or boat trailer, for the personal use of the owner of the truck, tractor, or truck tractor, and not for sale or commercial purposes, the gross weight of such trailer and its load shall not be computed as part of the gross weight of any motor truck, tractor, or truck tractor. The weight of any camper is exempt from the

determination of gross weight in the computation of any licensing fees required under RCW 46.16.070.

The gross weight in the case of any bus, auto stage, or for hire vehicle, except taxicabs, with a seating capacity over six, shall be the scale weight of each bus, auto stage, and for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in RCW 46.16.070, it shall be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

[1987 c 244 § 5; 1986 c 18 § 11; 1971 ex.s. c 231 § 1; 1969 ex.s. c 170 § 6; 1967 ex.s. c 83 § 57.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Effective date--1971 c 231: See note following RCW 46.01.130.

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.121 Seating capacity fees on stages, for hire vehicles.

In addition to other fees for the licensing of vehicles, there shall be paid and collected annually, for each auto stage and for hire vehicle, except taxicabs, with a seating capacity of six or less the sum of fifteen dollars.

[1967 ex.s. c 83 § 58.]

Notes:

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.125 Mileage fees on stages--Penalty.

In addition to the fees required by RCW 46.16.070, operators of auto stages with seating capacity over six shall pay, at the time they file gross earning returns with the utilities and transportation commission, the sum of fifteen cents for each one hundred vehicle miles operated by each auto stage over the public highways of this state. However, in the case of each auto stage propelled by steam, electricity, natural gas, diesel oil, butane, or propane, the payment required in this section is twenty cents per one hundred miles of such operation. The commission shall transmit all sums so collected to the state treasurer, who shall deposit the same in the motor vehicle fund. Any person failing to make any payment required by this section is subject to a penalty of one hundred percent of the payment due in this section, in addition to any penalty provided for failure to submit a report. Any penalties so collected shall be credited to the public service revolving fund.

[1997 c 215 § 2; 1967 ex.s. c 83 § 60; 1961 c 12 § 46.16.125. Prior: 1951 c 269 § 14.]

Notes:

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.135 Monthly license fee--Penalty.

The annual vehicle licensing fees as provided in RCW 46.16.070 for any motor vehicle or combination of vehicles having a declared gross weight in excess of twelve thousand pounds may be paid for any full registration month or months at one-twelfth of the usual annual fee plus two dollars, this sum to be multiplied by the number of full months for which the fees are paid if for less than a full year. An additional fee of two dollars shall be collected each time a license fee is paid.

Operation of a vehicle licensed under the provisions of this section by any person upon the public highways after the expiration of the monthly license is a traffic infraction, and in addition the person shall be required to pay a license fee for the vehicle involved covering an entire registration year's operation, less the fees for any registration month or months of the registration year already paid. If, within five days, no license fee for a full registration year has been paid as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

[1986 c 18 § 12; 1985 c 380 § 19; 1979 ex.s. c 136 § 46; 1979 c 134 § 1; 1975-'76 2nd ex.s. c 64 § 3; 1975 1st ex.s. c 118 § 6; 1969 ex.s. c 170 § 7; 1961 c 12 § 46.16.135. Prior: 1951 c 269 § 16.]

Notes:

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

RCW 46.16.140 Overloading licensed capacity--Additional license--Penalties--Exceptions.

It is a traffic infraction for any person to operate, or cause, permit, or suffer to be operated upon a public highway of this state any bus, auto stage, motor truck, truck tractor, or tractor, with passengers, or with a maximum gross weight, in excess of that for which the motor vehicle or combination is licensed.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, truck tractor, or tractor with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight, and any failure to secure such new license is a traffic infraction. No such person may be permitted or required to purchase the new license for a gross weight or combined gross weight which would exceed the maximum gross weight or combined gross weight allowed by law. This section does not apply to for hire vehicles, buses, or auto stages operating principally within cities and towns.

[1986 c 18 § 13; 1979 ex.s. c 136 § 47; 1961 c 12 § 46.16.140. Prior: 1955 c 384 § 16; 1951 c 269 § 18; 1937 c 188 § 25, part; RRS § 6312-25, part.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.16.145 Overloading licensed capacity--Penalties.

Any person violating any of the provisions of RCW 46.16.140 shall, upon a first offense, pay a penalty of not less than twenty-five dollars nor more than fifty dollars; upon a second offense pay a penalty of not less than fifty dollars nor more than one hundred dollars, and in addition the court may suspend the certificate of license registration of the vehicle for not more than thirty days; upon a third and subsequent offense pay a penalty of not less than one hundred dollars nor more than two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director.

[1979 ex.s. c 136 § 48; 1975-'76 2nd ex.s. c 64 § 5; 1961 c 12 § 46.16.145. Prior: 1951 c 269 § 19; 1937 c 188 § 25, part; RRS § 6312-25, part.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.16.150 School buses exempt from load and seat capacity fees.

No provision of the law of this state shall be construed to require for hire vehicle license or adult seating capacity fees, either directly or indirectly for the transportation of school children or teachers, or both, to and from school and other school activities, or either, whether the same be done in motor vehicles owned, leased, rented or used by the school authority or upon contract to furnish such transportation: PROVIDED, That this section shall apply to vehicles used exclusively for the purpose set forth and in the event that any vehicle so used is also used for any other purpose, such vehicle shall be appropriately licensed for such other purpose, as required by this chapter.

[1961 c 12 § 46.16.150. Prior: 1937 c 188 § 22; RRS § 6312-22.]

RCW 46.16.160 Vehicle trip permits--Restrictions and requirements--Fees and taxes--Penalty--Rules.

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit

vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days, except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two trip permits may be used for any one vehicle in a one-year period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All

other administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

[1999 c 270 § 1; 1996 c 184 § 2; 1993 c 102 § 2; 1987 c 244 § 6; 1981 c 318 § 1; 1977 ex.s. c 22 § 5; 1975-'76 2nd ex.s. c 64 § 6; 1969 ex.s. c 170 § 8; 1961 c 306 § 1; 1961 c 12 § 46.16.160. Prior: 1957 c 273 § 3; 1955 c 384 § 17; 1949 c 174 § 1; 1947 c 176 § 1; 1937 c 188 § 24; Rem. Supp. 1949 § 6312-24.]

Notes:

Effective date--1996 c 184: See note following RCW 46.16.010.

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Severability--1977 ex.s. c 22: See note following RCW 46.04.302.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.16.180 Unlawful to carry passengers for hire without license.

It shall be unlawful for the owner or operator of any vehicle not licensed annually for hire or as an auto stage and for which additional seating capacity fee as required by this chapter has not been paid, to carry passengers therein for hire.

[1961 c 12 § 46.16.180. Prior: 1937 c 188 § 20; RRS § 6312-20.]

RCW 46.16.200 Applications to agents--Transmittal to director.

Upon receipt by agents of the director, including county auditors, of original applications for vehicle license accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the fees to the director.

[1961 c 12 § 46.16.200. Prior: 1955 c 259 § 1; 1955 c 89 § 4; 1947 c 164 § 10; 1937 c 188 § 33; Rem. Supp. 1947 § 6312-33; 1921 c 96 § 6, part; 1917 c 155 § 4, part; 1915 c 142 § 6, part; RRS § 6317, part.]

RCW 46.16.210 Original applications--Renewals--Fees--Preissuance, when.

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the normal renewal period of a vehicle license may secure renewal of such vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by such license fees, and excise tax as may be required by law.

(4) Application for the annual renewal of a vehicle license number plate to the director or the director's agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington or a governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.

[2001 c 206 § 1; 1997 c 241 § 8; 1994 c 262 § 9; 1977 c 8 § 1. Prior: 1975 1st ex.s. c 169 § 6; 1975 1st ex.s. c 118 § 8; 1969 ex.s. c 75 § 1; 1961 c 12 § 46.16.210; prior: 1957 c 273 § 5; 1955 c 89 § 2; 1953 c 252 § 3; 1947 c 164 § 11; 1937 c 188 § 34; Rem. Supp. 1947 § 6312-34.]

NOTES:

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.
Rental cars: RCW 46.87.023.

RCW 46.16.212 Notice of liability insurance requirement.

The department of licensing shall notify the public of the requirements of RCW 46.30.020 through 46.30.040 at the time of new vehicle registration and when the department sends a registration renewal notice.

[1989 c 353 § 10.]

Notes:

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

RCW 46.16.216 Payment of parking fines required for renewal.

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department one hundred twenty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred twenty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a fifteen dollar surcharge.

(2) The surcharge shall be allocated as follows:

(a) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

[1990 2nd ex.s. c 1 § 401; 1984 c 224 § 1.]

Notes:

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Severability--1984 c 224: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 224 § 5.]

Effective date--1984 c 224: "This act shall take effect on July 1, 1984." [1984 c 224 § 6.]

RCW 46.16.220 Time of renewal of licenses--Duration.

Vehicle licenses and vehicle license number plates may be renewed for the subsequent registration year up to eighteen months before the current expiration date and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later.

[1997 c 241 § 9; 1991 c 339 § 20; 1975 1st ex.s. c 118 § 9; 1969 ex.s. c 170 § 9; 1961 c 12 § 46.16.220. Prior: 1957 c 261 § 8; 1955 c 89 § 1; 1953 c 252 § 4; 1947 c 164 § 12; 1937 c 188 § 35; Rem. Supp. 1947 § 6312-35; 1921 c 96 § 7, part; RRS § 6318, part; 1921 c 6 § 1, part; 1916 c 142 § 7, part.]

Notes:

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

RCW 46.16.225 Adjustment of vehicle registration periods to stagger renewal periods.

Notwithstanding any provision of law to the contrary, the department may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. Such extension or diminishment of a vehicle license registration period shall be by rule of the department adopted in accordance with the provisions of chapter 34.05 RCW. The rules may provide for the omission of any classes or classifications of vehicle from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into the system. The rules shall provide for the collection of proportionately increased or decreased vehicle license registration fees and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing and maintaining a staggered vehicle registration system.

[1986 c 18 § 15; 1979 c 158 § 140; 1975 1st ex.s. c 118 § 2.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

RCW 46.16.230 License plates furnished.

The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures.

Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

[1992 c 7 § 41; 1975 c 25 § 19; 1961 c 12 § 46.16.230. Prior: 1957 c 261 § 9; 1949 c 90 § 1; 1939 c 182 § 5; 1937 c 188 § 28; Rem. Supp. 1949 § 6312-28; 1921 c 96 § 12; 1921 c 6 § 2; 1919 c 59 § 7; 1917 c 155 § 8; 1915 c 142 § 12; RRS § 6323.]

RCW 46.16.233 Standard background--Periodic replacement.

Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, all vehicle license plates must be issued on a standard background, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for

commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

[2000 c 37 § 1; 1997 c 291 § 2.]

RCW 46.16.235 State name not abbreviated.

Vehicle license number plates issued by the state of Washington commencing with the next general issuance of such plates shall be so designed as to designate the name of the state of Washington in full without abbreviation.

[1965 ex.s. c 78 § 2.]

RCW 46.16.237 Reflectorized materials--Fee.

All vehicle license number plates issued after January 1, 1968, or such earlier date as the director may prescribe with respect to plates issued in any county, shall be treated with fully reflectorized materials designed to increase the visibility and legibility of such plates at night. In addition to all other fees prescribed by law, there shall be paid and collected for each vehicle license number plate treated with such materials, the sum of fifty cents and for each set of two plates, the sum of one dollar: PROVIDED, HOWEVER, One plate is available only to those vehicles that by law require only one plate. Such fees shall be deposited in the motor vehicle fund.

[1987 c 52 § 1; 1967 ex.s. c 145 § 60.]

Notes:

Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.16.240 Attachment of plates to vehicles--Violations enumerated.

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: PROVIDED, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: PROVIDED, HOWEVER, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state patrol. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. License plate frames may be used on vehicle license number plates only if the frames do not

obscure license tabs or identifying letters or numbers on the plates and the plates can be plainly seen and read at all times. It is unlawful to use any holders, frames, or any materials that in any manner change, alter, or make the vehicle license number plates illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided.

[1987 c 330 § 704; 1987 c 142 § 3; 1969 ex.s. c 170 § 10; 1967 c 32 § 18; 1961 c 12 § 46.16.240. Prior: 1947 c 89 § 1; 1937 c 188 § 36; Rem. Supp. 1947 § 6312-36.]

NOTES:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Reviser's note: This section was amended by 1987 c 142 § 3 and by 1987 c 330 § 704, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Illumination of plate: RCW 46.37.050.

RCW 46.16.260 License registration certificate--Signature required--Carried in vehicle--Penalty--Inspection--Exception.

A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued, at all times in the manner prescribed by the department. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of such certificate of license registration. This section does not apply to a vehicle for which annual renewal of its license plates is not required and which is marked in accordance with the provisions of RCW 46.08.065.

[1986 c 18 § 16; 1979 ex.s. c 113 § 3; 1969 ex.s. c 170 § 11; 1967 c 32 § 19; 1961 c 12 § 46.16.260. Prior: 1955 c 384 § 18; 1937 c 188 § 8; RRS § 6312-8.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.265 Replacement certificate.

If a certificate of license registration is lost, stolen, mutilated, or destroyed or becomes illegible, the registered owner or owners, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and twenty-five cents in addition to all other fees and upon furnishing information satisfactory to the department. The duplicate of the license registration shall contain the legend, "duplicate."

A person recovering an original certificate of license registration for which a duplicate has been issued shall promptly surrender the original certificate to the department.

[1997 c 241 § 6.]

RCW 46.16.270 Replacement of plates--Fee.

The total replacement plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director. The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of three dollars per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, *46.16.061, 46.16.237, and 46.01.140. For vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

[1997 c 291 § 3; 1990 c 250 § 32; 1987 c 178 § 2. Prior: 1986 c 280 § 4; 1986 c 30 § 3; 1975 1st ex.s. c 169 § 7; 1965 ex.s. c 78 § 1; 1961 c 12 § 46.16.270; prior: 1951 c 269 § 6; 1947 c 164 § 13; 1937 c 188 § 37; Rem. Supp. 1947 § 6312-37; 1929 c 99 § 6; 1921 c 96 § 14; 1919 c 59 § 8; 1915 c 142 § 14; RRS § 6325.]

NOTES:

*Reviser's note: RCW 46.16.061 was repealed by 2000 1st sp.s. c 1 § 2.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.276 Implementing rules.

The director may make and enforce rules to implement this chapter.

[1986 c 30 § 4.]

RCW 46.16.280 Sale, loss, or destruction of commercial vehicle--Credit for unused fee--Change in license classification.

In case of loss, destruction, sale, or transfer of any motor vehicle with a registered gross

weight in excess of twelve thousand pounds and subject to the license fees under RCW 46.16.070, the registered owner thereof may, under the following conditions, obtain credit for the unused portion of the licensing fee paid for the vehicle or may transfer such credit to the new owner if desired:

(1) The licensing fee paid for the motor vehicle will be reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first month of the current registration year in which the motor vehicle was registered and the month the registrant surrenders the vehicle's registration certificate for the registration year to the department or an authorized agent of the department.

(2) If any such credit is less than fifteen dollars, no credit may be given.

(3) The credit may only be applied against the licensing fee liability due under RCW 46.16.070 for the replacement motor vehicle or if such credit was transferred to the new owner, it shall remain with the vehicle. The credit may only be used during the registration year from which it was obtained.

(4) In no event is such credit subject to refund.

Whenever any vehicle has been so altered as to change its license classification in such a manner that the vehicle license number plates are rendered improper, the current license plates shall be surrendered to the department. New license plates shall be issued upon application accompanied by a one dollar fee in addition to any other or different charge by reason of licensing under a new classification. Such application shall be on forms prescribed by the department and forwarded with the proper fee to the department or the office of a duly authorized agent of the department.

[1987 c 244 § 7; 1986 c 18 § 17; 1967 c 32 § 20; 1961 c 12 § 46.16.280. Prior: 1947 c 164 § 14; 1937 c 188 § 38; Rem. Supp. 1947 § 6312-38.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.290 License certificate and plates follow vehicle on transfer--Exceptions.

In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee. If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, prisoner of war plates, or other special license plates issued under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred.

[1997 c 291 § 4; 1986 c 18 § 18; 1983 c 27 § 2; 1961 c 12 § 46.16.290. Prior: 1937 c 188 § 39; RRS § 6312-39;

1931 c 138 § 2; 1929 c 99 § 3; 1921 c 96 § 8; 1919 c 59 § 5; 1917 c 155 § 5; 1915 c 142 § 8; RRS § 6319.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.301 Baseball stadium license plates.

The department shall create, design, and issue a special baseball stadium license plate that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates shall commemorate the construction of a baseball stadium, as defined in RCW 82.14.0485. The department shall also issue to each recipient of a special baseball stadium license plate a certificate of participation in the construction of the baseball stadium.

[1997 c 291 § 5; 1995 3rd sp.s. c 1 § 102; 1994 c 194 § 2; 1990 c 250 § 1.]

Notes:

Part headings not law--Effective date--1995 3rd sp.s. c 1: See notes following RCW 82.14.0485.

Effective dates--1990 c 250 §§ 1-13: "Sections 1 through 9, and 11 through 13 of this act shall take effect on January 1, 1991. Section 10 of this act shall take effect on July 1, 1990." [1990 c 250 § 93.]

Severability--1990 c 250: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 250 § 92.]

State contribution for baseball stadium limited: RCW 82.14.0486.

RCW 46.16.305 Special license plates--Continuance of earlier issues--Conditions for current issues.

The department shall continue to issue the categories of special plates issued by the department under the sections repealed under section 12 (1) through (7), chapter 250, Laws of 1990. Special license plates issued under those repealed sections before January 1, 1991, are valid to the extent and under the conditions provided in those repealed sections. The following conditions, limitations, or requirements apply to certain special license plates issued after January 1, 1991:

(1) A horseless carriage plate and a plate or plates issued for collectors' vehicles more than thirty years old, upon payment of the initial fees required by law and the additional special license plate fee established by the department, are valid for the life of the vehicle for which application is approved by the department. When a single plate is issued, it shall be displayed on the rear of the vehicle.

(2) The department may issue special license plates denoting amateur radio operator status only to persons having a valid official radio operator license issued by the federal communications commission.

(3) The department shall issue one set of special license plates to each resident of this state who has been awarded the Congressional Medal of Honor for use on a passenger vehicle registered to that person. The department shall issue the plate without the payment of licensing

fees and motor vehicle excise tax.

(4) The department may issue for use on only one motor vehicle owned by the qualified applicant special license plates denoting that the recipient of the plate is a survivor of the attack on Pearl Harbor on December 7, 1941, to persons meeting all of the following criteria:

- (a) Is a resident of this state;
- (b) Was a member of the United States Armed Forces on December 7, 1941;
- (c) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;
- (d) Received an honorable discharge from the United States Armed Forces; and
- (e) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (c) of this subsection.

The department may issue such plates to the surviving spouse of any deceased Pearl Harbor survivor who met the requirements of this subsection. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state.

The department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge an additional fee for these special license plates.

(5) The department shall replace, free of charge, special license plates issued under subsections (3) and (4) of this section if they are lost, stolen, damaged, defaced, or destroyed. Such plates shall remain with the persons upon transfer or other disposition of the vehicle for which they were initially issued, and may be used on another vehicle registered to the recipient in accordance with the provisions of RCW 46.16.316(1).

[1997 c 291 § 6; 1997 c 241 § 10; 1990 c 250 § 2.]

Notes:

Reviser's note: This section was amended by 1997 c 241 § 10 and by 1997 c 291 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding--1997 c 291: "The legislature finds that the proliferation of special license plate series has decreased the ready identification of vehicles by law enforcement, and increased the amount of computer programming conducted by the department of licensing, thereby increasing costs. Furthermore, rarely has the actual demand for special license plates met the requesters' projections. Most importantly, special plates detract from the primary purpose of license plates, that of vehicle identification." [1997 c 291 § 1.]

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.307 Collectors' vehicles--Use restrictions.

A collectors' vehicle licensed under RCW 46.16.305(1) may only be used for participation in club activities, exhibitions, tours, parades, and occasional pleasure driving.

[1996 c 225 § 11.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.16.309 Special license plates--Application.

Persons applying to the department for special license plates shall apply on forms obtained from the department and in accordance with RCW 46.16.040. The applicant shall provide all information as is required by the department in order to determine the applicant's eligibility for the special license plates.

[1997 c 291 § 7; 1990 c 250 § 3.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.313 Special license plates--Fees.

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. Until December 31, 1997, the fee shall not exceed thirty-five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) Effective with vehicle registrations due or to become due on January 1, 1998, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder

of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(5) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

[1997 c 291 § 8; 1996 c 165 § 506; 1995 3rd sp.s. c 1 § 103; 1994 c 194 § 4; 1990 c 250 § 4.]

Notes:

Severability--1996 c 165: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 165 § 510.]

Effective date--1996 c 165: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1996]." [1996 c 165 § 511.]

Part headings not law--Effective date--1995 3rd sp.s. c 1: See notes following RCW 82.14.0485.

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

State contribution for baseball stadium limited: RCW 82.14.0486.

RCW 46.16.314 Special license plates--Authority to continue.

After a period of three years from the initial issuance of a special license plate series, the department has the sole discretion, based upon the number of sales to date, to determine whether or not to continue issuing the special series.

[1997 c 291 § 9.]

RCW 46.16.316 Special license plates--Transfer of vehicle--Replacement plates.

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

[1997 c 291 § 10; 1990 c 250 § 5.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.319 Veterans and military personnel--Emblems.

(1) Veterans discharged under honorable conditions (veterans) and individuals serving on active duty in the United States armed forces (active duty military personnel) may purchase a veterans remembrance emblem or campaign medal emblem. The emblem is to be displayed on vehicle license plates in the manner described by the department, existing vehicular licensing procedures, and current laws.

(2) Veterans and active duty military personnel who served during periods of war or armed conflict may purchase a remembrance emblem depicting campaign ribbons which they were awarded.

(3) The following campaign ribbon remembrance emblems are available:

- (a) World War I victory medal;
- (b) World War II Asiatic-Pacific campaign medal;
- (c) World War II European-African Middle East campaign medal;
- (d) World War II American campaign medal;
- (e) Korean service medal;
- (f) Vietnam service medal;
- (g) Armed forces expeditionary medal awarded after 1958; and
- (h) Southwest Asia medal.

The director may issue additional campaign ribbon emblems by rule as authorized

decorations by the United States department of defense.

(4) Veterans or active duty military personnel requesting a veteran remembrance emblem or campaign medal emblem or emblems must:

(a) Pay a prescribed fee set by the department; and

(b) Show proof of eligibility through:

(i) Providing a DD-214 or discharge papers if a veteran;

(ii) Providing a copy of orders awarding a campaign ribbon if an individual serving on military active duty; or

(iii) Attesting in a notarized affidavit of their eligibility as required under this section.

(5) Veterans or active duty military personnel who purchase a veteran remembrance emblem or a campaign medal emblem must be the legal or registered owner of the vehicle on which the emblem is to be displayed.

[1997 c 234 § 1; 1991 c 339 § 11; 1990 c 250 § 6.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.324 Collegiate license plates.

Effective January 1, 1995, a state university, regional university, or state college as defined in RCW 28B.10.016 may apply to the department, in a form prescribed by the department, and request the department to issue a series of collegiate license plates depicting the name and mascot or symbol of the college or university, as submitted and approved for use by the requesting institution.

[1994 c 194 § 3.]

RCW 46.16.327 License plate emblems--Material, display requirements.

Vehicle license plate emblems and veteran remembrance emblems shall use fully reflectorized materials designed to provide visibility at night. Emblems shall be designed to be affixed to a vehicle license number plate by pressure-sensitive adhesive so as not to obscure the plate identification numbers or letters.

Emblems will be issued for display on the front and rear license number plates. Single emblems will be issued for vehicles authorized to display one license number plate.

[1990 c 250 § 8.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.332 License plate emblems--Fees.

(1) The director may adopt fees to be charged by the department for emblems issued by the department under RCW 46.16.319.

(2) The fee for each remembrance emblem issued under RCW 46.16.319 shall be in an amount sufficient to offset the costs of production of remembrance emblems and the administration of that program by the department plus an amount for use by the department of veterans affairs, not to exceed a total fee of twenty-five dollars per emblem.

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of remembrance emblems under RCW 46.16.319 shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance used only by the department of veterans affairs for projects that pay tribute to those living veterans and to those who have died defending freedom in our nation's wars and conflicts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans affairs, or their designees may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

[1994 c 194 § 5; 1990 c 250 § 9.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.335 Special license plates and emblems--Rules.

The director shall adopt rules to implement RCW 46.16.301 through 46.16.332, including setting of fees.

[1990 c 250 § 10.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.340 Amateur radio operator plates--Information furnished to various agencies.

The director, from time to time, shall furnish the state military department, the department of community, trade, and economic development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

[1995 c 391 § 8; 1986 c 266 § 49; 1985 c 7 § 112; 1974 ex.s. c 171 § 43; 1967 c 32 § 23; 1961 c 12 § 46.16.340.]

Prior: 1957 c 145 § 3.]

Notes:

Effective date--1995 c 391: See note following RCW 38.52.005.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 46.16.350 Amateur radio operator plates--Expiration or revocation of radio license--Penalty.

Any radio amateur operator who holds a special call letter license plate as issued under RCW 46.16.305, and who has allowed his or her federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his or her call letter license plate. Failure to do so is a traffic infraction.

[1997 c 291 § 11; 1990 c 250 § 11; 1979 ex.s. c 136 § 49; 1967 c 32 § 24; 1961 c 12 § 46.16.350. Prior: 1957 c 145 § 4.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.16.371 Special plates for honorary consul, foreign government representative.

(1) Every honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America is entitled to apply to the director for, and upon satisfactory showing, and upon payment of regular license fees and excise tax, to receive, in lieu of the regular motor vehicle license plates, such special plates of a distinguishing color and running in a separate numerical series, as the director shall prescribe. Application for renewal of the license plates shall be as prescribed for the license renewal of other vehicles.

(2) Whenever the owner or lessee as provided in subsection (1) of this section transfers or assigns his interest or title in the motor vehicle to which the special plates were attached, the plates shall be removed from the motor vehicle, and if another vehicle is acquired, attached thereto, and the director shall be immediately notified of the transfer of the plates; otherwise the removed plates shall be immediately forwarded to the director to be destroyed. Whenever the owner or lessee as provided in subsection (1) of this section is for any reason relieved of his duties as an honorary consul or official representative of a foreign government, he shall immediately forward the special plates to the director, who shall upon receipt thereof provide such plates as are otherwise provided by law.

[1987 c 237 § 1.]

RCW 46.16.374 Taipei Economic and Cultural Office--Special plates.

(1) If the eligible applicant bears the entire cost of plate production, the department shall provide for the issuance of special license plates, in lieu of regular motor vehicle license plates, for passenger vehicles having manufacturers' rated carrying capacities of one ton or less that are owned or leased by an officer of the Taipei Economic and Cultural Office. The department shall issue the special license plates in a distinguishing color, running in a separate numerical series, and bearing the words "Foreign Organization." A vehicle for which special license plates are issued under this section is exempt from regular license fees under RCW 46.16.0621 and any additional vehicle license fees imposed under RCW 82.80.020.

(2) Whenever the owner or lessee as provided in subsection (1) of this section transfers or assigns the interest or title in the motor vehicle for which the special plates were issued, the plates must be removed from the motor vehicle, and if another qualified vehicle is acquired, attached to that vehicle, and the director must be immediately notified of the transfer of the plates; otherwise the removed plates must be immediately forwarded to the director to be destroyed. Whenever the owner or lessee as provided in subsection (1) of this section is for any reason relieved of his or her duties as a representative of a recognized foreign organization, he or she shall immediately forward the special plates to the director, who shall upon receipt dispose of the plates as otherwise provided by law.

[2001 c 64 § 5; 1996 c 139 § 1.]

RCW 46.16.376 Taipei Economic and Cultural Office--Fee exemption.

A motor vehicle owned or leased by an officer of the Taipei Economic and Cultural Office eligible for a special license plate under RCW 46.16.374 is exempt from the payment of license fees for the licensing of the vehicle as provided in this chapter.

[1996 c 139 § 2.]

RCW 46.16.381 Special parking privileges for disabled persons--Penalties--Enforcement.

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;
- (e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Impairment by cardiovascular disease or cardiac condition to the extent that the

person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for disabled parking permits and temporary disabled parking permits are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's signature and immediately below the applicant's signature: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the name and date of birth of the person to whom the placard is issued, and the placard's serial number. The special identification card shall be issued no later than January 1, 2000, to all persons who are issued parking placards, including those issued for temporary disabilities, and special disabled parking license plates. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the disabled person transfers or assigns his or her interest in the vehicle,

the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The permanent parking placard and identification card of a disabled person shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and identification card must be immediately surrendered to the department. The department shall match and purge its disabled permit data base with available death record information at least every twelve months.

(6) Each person who has been issued a permanent disabled parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

(7) Additional fees shall not be charged for the issuance of the special placards or the identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(8) Any unauthorized use of the special placard, special license plate, or identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons. The clerk of the court shall report all violations related to this subsection to the department.

(10) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

(11) The penalties imposed under subsections (9) and (10) of this section shall be used by

that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(12) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or identification card in a manner other than that established under this section.

(13)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(14) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community service for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

(b) Any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(15) The court may not suspend more than one-half of any fine imposed under subsection (8), (9), (10), or (12) of this section.

[2001 c 67 § 1; 1999 c 136 § 1; 1998 c 294 § 1; 1995 c 384 § 1; 1994 c 194 § 6; 1993 c 106 § 1; 1992 c 148 § 1; 1991 c 339 § 21; 1990 c 24 § 1; 1986 c 96 § 1; 1984 c 154 § 2.]

NOTES:

Intent--1984 c 154: "The legislature intends to extend special parking privileges to persons with disabilities that substantially impair mobility." [1984 c 154 § 1.]

Application--1984 c 154: "This act applies to special license plates, cards, or decals issued after June 7, 1984. Nothing in this act invalidates special license plates, cards, or decals issued before June 7, 1984." [1984 c 154 § 9.]

Severability--1984 c 154: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 154 § 10.]

Accessible parking spaces required: RCW 70.92.140.

RCW 46.16.390 Special plate or card issued by another jurisdiction.

A special license plate or card issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being

used to transport the disabled person to lawfully park in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW or authority implemental thereof.

[1991 c 339 § 22; 1984 c 51 § 1.]

RCW 46.16.450 Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate.

See RCW 46.12.240.

RCW 46.16.460 Nonresident members of armed forces--Issuance of temporary license.

Upon the payment of a fee of ten dollars therefor, the department of licensing shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a nonresident member of the armed forces of the United States and an application, accompanied with prepayment of required fees, for out of state registration has been made by the purchaser.

[1979 c 158 § 141; 1967 c 202 § 4.]

RCW 46.16.470 Temporary license--Display.

The temporary license provided for in RCW 46.16.460 shall be carried on the interior of the motor vehicle in such a way as to be clearly visible from outside the vehicle.

[1967 c 202 § 5.]

RCW 46.16.480 Nonresident members of armed forces--Exemption from sales, use, or motor vehicle excise taxes--Extent of exemption.

The original purchaser of a motor vehicle, for which a temporary license as provided in RCW 46.16.460 has been issued, shall not be subject to the sales tax, use tax, or motor vehicle excise tax during the effective period of such license or thereafter unless the motor vehicle, after the effective period of such license, is still in this state or within a period of one year after the effective period of such license is returned to this state.

[1967 c 202 § 6.]

RCW 46.16.490 Nonresident members of armed forces--Rules and regulations--Proof.

The department of licensing shall prescribe rules and regulations governing the administration of RCW 46.16.460 through 46.16.490. The department may require that adequate proof of the facts asserted in the application for a temporary license shall be made before the temporary license shall be granted.

[1979 c 158 § 142; 1967 c 202 § 7.]

RCW 46.16.500 Liability of operator, owner, lessee for violations.

Whenever an act or omission is declared to be unlawful in chapter 46.16 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

[1980 c 104 § 3; 1969 ex.s. c 69 § 2.]

RCW 46.16.505 Campers--License and plates--Application--Fee.

It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law: PROVIDED, HOWEVER, That if a camper is part of the inventory of a manufacturer or dealer and is unoccupied at all times, and a dated demonstration permit, valid for no more than seventy-two hours is carried in the motor vehicle at all times it is operated by any such individual, such camper may be demonstrated if carried upon an appropriately licensed vehicle.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) Such other information as the director requires.

There shall be paid and collected annually for each registration year or fractional part thereof and upon each camper a license fee or, if the camper was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of four dollars and ninety cents, and such renewal license fee shall be in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles.

[1975 1st ex.s. c 118 § 11; 1975 c 41 § 1; 1971 ex.s. c 231 § 7.]

Notes:

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.16.560 Personalized license plates--Defined.

Personalized license plates, as used in this chapter, means license plates that have displayed upon them the registration number assigned to the vehicle or camper for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle or camper in accordance with this chapter.

[1975 c 59 § 1; 1973 1st ex.s. c 200 § 2.]

Notes:

Personalized license plates--Legislative declaration: "It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the support and aid of the wildlife resources existing within the state of Washington in order that the general welfare of these inhabitants of the state be served. For the purposes of *this chapter, wildlife resources are understood to be those species of wildlife other than that managed by the department of fisheries under their existing jurisdiction as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries. The legislature further finds that the preservation, protection, perpetuation, and enhancement of such wildlife resources of the state is of major concern to it, and that aid for a satisfactory environment and ecological balance in this state for such wildlife resources serves a public interest, purpose, and desire.

It is further declared that such preservation, protection, perpetuation, and enhancement can be fostered through financial support derived on a voluntary basis from those citizens of the state of Washington who wish to assist in such objectives; that a desirable manner of accomplishing this is through offering personalized license plates for certain vehicles and campers the fees for which are to be directed to the state treasury to the credit of the state **game fund for the furtherance of the programs, policies, and activities of the state **game department in preservation, protection, perpetuation, and enhancement of the wildlife resources that abound within the geographical limits of the state of Washington.

In particular, the legislature recognizes the benefit of this program to be specifically directed toward those species of wildlife including but not limited to song birds, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries that exist within the limits of the state of Washington." [1975 c 59 § 7; 1973 1st ex.s. c 200 § 1. Formerly RCW 77.12.175.]

Reviser's note: *(1) The term "this chapter" refers to chapter 77.12 RCW, where this section was originally codified, pursuant to legislative directive, as RCW 77.12.175. It was subsequently decodified by 1980 c 78 § 32.

** (2) References to the "game fund" and "department of game" mean the "wildlife fund" and "department of wildlife." See note following RCW 77.04.020.

RCW 46.16.565 Personalized license plates--Application.

Any person who is the registered owner of a passenger motor vehicle, a motor truck, a trailer, a camper, a private bus, or a motorcycle registered with the department, excluding proportionally registered vehicles, or who makes application for an original registration or renewal registration of such vehicle or camper may, upon payment of the fee prescribed in RCW 46.16.585, apply to the department for personalized license plates, in the manner described in RCW 46.16.580, which plates shall be affixed to the vehicle or camper for which registration is sought in lieu of the regular license plates.

[1985 c 173 § 1; 1983 c 27 § 4; 1975 c 59 § 2; 1973 1st ex.s. c 200 § 3.]

RCW 46.16.570 Personalized license plates--Design.

The personalized license plates shall be the same design as regular license plates, and shall consist of numbers or letters, or any combination thereof not exceeding seven positions unless proposed by the department and approved by the Washington state patrol and not less than one position, to the extent that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: PROVIDED, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department.

[1986 c 108 § 1; 1983 1st ex.s. c 24 § 1; 1975 c 59 § 3; 1973 1st ex.s. c 200 § 4.]

Notes:

Effective dates--1983 1st ex.s. c 24: "Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of state government and its existing public institutions, and shall take effect on July 1, 1983. Section 1 of this act takes effect on July 1, 1984." [1983 1st ex.s. c 24 § 4.]

RCW 46.16.575 Personalized license plates--Issuance to registered owner only.

Personalized license plates shall be issued only to the registered owner of a vehicle on which they are to be displayed.

[1973 1st ex.s. c 200 § 5.]

RCW 46.16.580 Personalized license plates--Application requirements.

An applicant for issuance of personalized license plates or renewal of such plates in the subsequent year pursuant to this chapter shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a vehicle license plate number. There shall be no duplication or conflict with existing or projected vehicle license plate series or other numbering systems for records kept by the department, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in chapter 46.16 RCW.

[1973 1st ex.s. c 200 § 6.]

RCW 46.16.585 Personalized license plates--Fees--Renewal--Penalty.

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars: PROVIDED, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of twenty dollars commencing with the year 1976. All personalized license plates must be renewed on an annual basis, regardless of whether a vehicle

on which they are displayed will not be driven on public highways or may also be eligible to display permanent license plates valid for the life of such vehicle without annual renewal. Personalized license plates that are not renewed must be surrendered to the department, and failure to do so is a traffic infraction.

[1979 ex.s. c 136 § 51; 1975 c 59 § 4; 1973 1st ex.s. c 200 § 7.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.16.590 Personalized license plates--Transfer fees.

Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired vehicle or camper eligible for personalized license plates, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund.

[1975 c 59 § 5; 1973 1st ex.s. c 200 § 8.]

RCW 46.16.595 Personalized license plates--Transfer or surrender upon sale or release of vehicle--Penalty.

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired vehicle or camper eligible for personalized license plates, pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. Failure to surrender such plates is a traffic infraction.

[1979 ex.s. c 136 § 52; 1975 c 59 § 6; 1973 1st ex.s. c 200 § 9.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.16.600 Personalized license plates--Rules and regulations.

The director of licensing may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595.

[1979 c 158 § 143; 1973 1st ex.s. c 200 § 10.]

RCW 46.16.605 Personalized license plates--Disposition of fees--Costs.

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer and be deposited to the credit of the state wildlife fund to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife including but not limited to song birds, raptors, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified

marine fish, shellfish, and marine invertebrates.

Administrative costs incurred by the department of licensing as a direct result of RCW 46.16.560 through 46.16.605 and 77.12.170 shall be appropriated by the legislature from the state wildlife fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state wildlife fund.

[1988 c 36 § 27; 1983 1st ex.s. c 24 § 2; 1983 c 3 § 118; 1979 c 158 § 144; 1973 1st ex.s. c 200 § 11.]

Notes:

Effective dates--1983 1st ex.s. c 24: See note following RCW 46.16.570.
State wildlife fund: RCW 77.12.170.

RCW 46.16.606 Personalized license plates--Additional fee.

In addition to the fees imposed in RCW 46.16.585 for application and renewal of personalized license plates an additional fee of ten dollars shall be charged. The revenue from the additional fee shall be deposited in the state wildlife fund and used for the management of resources associated with the nonconsumptive use of wildlife.

[1991 sp.s. c 7 § 13.]

Notes:

Effective date--1991 sp.s. c 7: See note following RCW 77.65.450.

RCW 46.16.630 Moped registration.

Application for registration of a moped shall be made to the department of licensing in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the moped to be registered, the vehicle identification number, and such other information as the department may require, and shall be accompanied by a registration fee of three dollars. Upon receipt of the application and the application fee, the moped shall be registered and a registration number assigned, which shall be affixed to the moped in the manner as provided by rules adopted by the department. The registration provided in this section shall be valid for a period of twelve months.

Every owner of a moped in this state shall renew the registration, in such manner as the department shall prescribe, for an additional period of twelve months, upon payment of a renewal fee of three dollars.

Any person acquiring a moped already validly registered must, within fifteen days of the acquisition or purchase of the moped, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents.

The registration fees provided in this section shall be in lieu of any personal property tax or the vehicle excise tax imposed by chapter 82.44 RCW.

The department shall, at the time the registration number is assigned, make available a decal or other identifying device to be displayed on the moped. A fee of one dollar and fifty

cents shall be charged for the decal or other identifying device.

The provisions of RCW 46.01.130 and 46.01.140 shall apply to applications for the issuance of registration numbers or renewals or transfers thereof for mopeds as they do to the issuance of vehicle licenses, the appointment of agents, and the collection of application fees. Except for the fee collected pursuant to RCW 46.01.140, all fees collected under this section shall be deposited in the motor vehicle fund.

[1997 c 241 § 11; 1979 ex.s. c 213 § 5.]

NOTES:

Drivers' license, motorcycle endorsement, moped exemption: RCW 46.20.500.

Operation and safety standards for mopeds: RCW 46.61.710, 46.61.720.

RCW 46.16.640 Wheelchair conveyances.

Wheelchair conveyances that are incapable of complying with RCW 46.37.340 shall be licensed in the manner provided for mopeds in RCW 46.16.630.

[1983 c 200 § 2.]

Notes:

Severability--1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definition: RCW 46.04.710.

operator's license: RCW 46.20.109.

public roadways, operating on: RCW 46.61.730.

safety standards: RCW 46.37.610.

RCW 46.16.670 Boat trailers--Fee for freshwater aquatic weeds account.

In addition to any other fee required under this chapter, boat trailers shall annually pay a fee of three dollars. The proceeds of this fee shall be deposited in the freshwater aquatic weeds account under RCW 43.21A.650.

[1991 c 302 § 3.]

Notes:

Effective date--1991 c 302: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991, except section 3 of this act shall be effective for vehicle registrations that expire August 31, 1992, and thereafter." [1991 c 302 § 6.]

Findings--1991 c 302: See note following RCW 43.21A.650.

RCW 46.16.680 Kit vehicles.

All kit vehicles are licensed as original transactions when first titled in Washington, and the following provisions apply:

(1) The department of licensing shall charge original licensing fees and issue new plates appropriate to the use class.

(2) An inspection by the Washington state patrol is required to determine the correct

identification number, and year or make if needed.

(3) The use class is the actual use of the vehicle, i.e. passenger car or truck.

(4) The make shall be listed as "KITV," and the series and body designation must describe what the vehicle looks like, i.e. 48 Bradley GT, 57 MG, and must include the word "replica."

(5) Upon payment of original licensing fees the department may license a kit vehicle under RCW 46.16.305(1) as a street rod if the vehicle is manufactured to have the same appearance as a similar vehicle manufactured before 1949.

(6) For a manufactured new vehicle kit and a manufactured body kit, the model year of the vehicle is the year reflected on the manufacturer's certificate of origin for that vehicle. If this is not available, the Washington state patrol shall assign a model year at the time of inspection.

(7) The vehicle identification number (VIN) of a new vehicle kit and body kit is the vehicle identification number as reflected on the manufacturer's certificate of origin. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

[1996 c 225 § 10.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.16.900 Severability--1973 1st ex.s. c 132.

If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

[1973 1st ex.s. c 132 § 24.]

**Chapter 46.20 RCW
DRIVERS' LICENSES--IDENTICARDS**

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Allowing unauthorized person to drive--Penalty: RCW 46.16.011.

Juvenile driving privileges, alcohol or drug violations: RCW 66.44.365, 69.50.420.

DRIVER'S LICENSE AND PERMIT REQUIREMENTS

RCW 46.20.001 License required--Rights and restriction.

(1) No person may drive a motor vehicle upon a highway in this state without first obtaining a valid driver's license issued to Washington residents under this chapter. The only exceptions to this requirement are those expressly allowed by RCW 46.20.025.

(2) A person licensed as a driver under this chapter:

- (a) May exercise the privilege upon all highways in this state;
(b) May not be required by a political subdivision to obtain any other license to exercise the privilege; and
(c) May not have more than one valid driver's license at any time.

[1999 c 6 § 3.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

RCW 46.20.005 Driving without a license--Misdemeanor, when.

Except as expressly exempted by this chapter, it is a misdemeanor for a person to drive any motor vehicle upon a highway in this state without a valid driver's license issued to Washington residents under this chapter. This section does not apply if at the time of the stop the person is not in violation of RCW 46.20.342(1) or *46.20.420 and has in his or her possession an expired driver's license or other valid identifying documentation under RCW 46.20.035. A violation of this section is a lesser included offense within the offenses described in RCW 46.20.342(1) or *46.20.420.

[1997 c 66 § 1.]

Notes:

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

RCW 46.20.015 Driving without a license--Traffic infraction, when.

(1) Except as expressly exempted by this chapter, it is a traffic infraction and not a misdemeanor under RCW 46.20.005 if a person:

(a) Drives any motor vehicle upon a highway in this state without a valid driver's license issued to Washington residents under this chapter in his or her possession;

(b) Provides the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop; and

(c) Is not driving while suspended or revoked in violation of RCW 46.20.342(1) or *46.20.420.

(2) A person who violates this section is subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she obtained a valid license after being cited, the court shall reduce the penalty to fifty dollars.

[1999 c 6 § 4; 1997 c 66 § 2.]

Notes:

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Intent--1999 c 6: See note following RCW 46.04.168.

RCW 46.20.017 Immediate possession and displayed on demand.

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. The offense described in this section is a nonmoving offense.

[1979 ex.s. c 136 § 56; 1965 ex.s. c 121 § 15; 1961 c 12 § 46.20.190. Prior: 1937 c 188 § 59; RRS § 6312-59; 1921 c 108 § 7, part; RRS § 6369, part. Formerly RCW 46.20.190.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Driver's license, duty to display under other circumstances: RCW 46.52.020, 46.61.020, 46.61.021.

RCW 46.20.021 New residents.

(1) New Washington residents must obtain a valid Washington driver's license within thirty days from the date they become residents.

(2) To qualify for a Washington driver's license, a person must surrender to the department all valid driver's licenses that any other jurisdiction has issued to him or her. The department must invalidate the surrendered photograph license and may return it to the person.

(a) The invalidated license, along with a valid temporary Washington driver's license provided for in RCW 46.20.065, is proper identification.

(b) The department shall notify the previous issuing department that the licensee is now licensed in a new jurisdiction.

(3) For the purposes of obtaining a valid driver's license, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis.

Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring residency for the purpose of obtaining a state license or tuition fees at resident rates.

(4)(a) "Washington public assistance programs" means public assistance programs that receive more than fifty percent of the combined costs of benefits and administration from state funds.

(b) "Washington public assistance programs" does not include:

- (i) The Food Stamp program under the federal Food Stamp Act of 1964;
- (ii) Programs under the Child Nutrition Act of 1966, 42 U.S.C. Secs. 1771 through 1788;
- (iii) Temporary Assistance for Needy Families; and
- (iv) Any other program that does not meet the criteria of (a) of this subsection.

[1999 c 6 § 5. Prior: 1997 c 66 § 3; 1997 c 59 § 8; 1996 c 307 § 5; prior: 1991 c 293 § 3; 1991 c 73 § 1; 1990 c 250 § 33; 1988 c 88 § 1; 1985 c 302 § 2; 1979 ex.s. c 136 § 53; 1965 ex.s. c 121 § 2.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose--Construction--1965 ex.s. c 121: "With the advent of greatly increased interstate vehicular travel and the migration of motorists between the states, the legislature recognizes the necessity of enacting driver licensing laws which are reasonably uniform with the laws of other states and are at the same time based upon sound, realistic principles, stated in clear explicit language. To achieve these ends the legislature does hereby adopt this 1965 amendatory act relating to driver licensing modeled after the Uniform Vehicle Code subject to such variances as are deemed better suited to the people of this state. It is intended that this 1965 amendatory act be liberally construed to effectuate the purpose of improving the safety of our highways through driver licensing procedures within the framework of the traditional freedoms to which every motorist is entitled." [1965 ex.s. c 121 § 1.]

RCW 46.20.022 Unlicensed drivers--Subject to Title 46 RCW.

Any person who operates a motor vehicle on the public highways of this state without a driver's license or nonresident privilege to drive shall be subject to all of the provisions of Title 46 RCW to the same extent as a person who is licensed.

[1975-'76 2nd ex.s. c 29 § 1.]

Notes:

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.024.

RCW 46.20.024 Unlawful to allow unauthorized minors to drive.

No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or

in violation of any of the provisions of this chapter.

[1965 ex.s. c 121 § 44. Formerly RCW 46.20.343.]

RCW 46.20.025 Exemptions.

The following persons may operate a motor vehicle on a Washington highway without a valid Washington driver's license:

(1) A member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or in the service of the National Guard of this state or any other state, if licensed by the military to operate an official motor vehicle in such service;

(2) A nonresident driver who is at least:

(a) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home state; or

(b) Fifteen years of age with:

(i) A valid instruction permit issued to the driver by his or her home state; and

(ii) A licensed driver who has had at least five years of driving experience occupying a seat beside the driver; or

(c) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home country. A nonresident driver may operate a motor vehicle in this state under this subsection (2)(c) for up to one year;

(3) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(4) Any person while driving or operating any farm tractor or implement of husbandry that is only incidentally operated or moved over a highway; or

(5) An operator of a locomotive upon rails, including a railroad crossing over a public highway. A locomotive operator is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state.

[1999 c 6 § 6; 1993 c 148 § 1; 1979 c 75 § 1; 1965 ex.s. c 121 § 3.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

RCW 46.20.027 Armed forces, dependents.

A Washington state motor vehicle driver's license issued to any person serving in the armed forces of the United States, if valid and in force and effect while such person is serving in the armed forces, shall remain in full force and effect so long as such service continues unless the same is sooner suspended, canceled, or revoked for cause as provided by law and for not to exceed ninety days following the date on which the holder of such driver's license is honorably separated from service in the armed forces of the United States. A Washington state driver's license issued to the spouse or dependent child of such service member likewise remains in full force and effect if the person is residing with the service member.

[1999 c 199 § 1; 1967 c 129 § 1.]

Notes:

Effective date--1999 c 199: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 1999]." [1999 c 199 § 5.]

RCW 46.20.031 Ineligibility.

The department shall not issue a driver's license to a person:

- (1) Who is under the age of sixteen years;
- (2) Whose driving privilege has been withheld unless and until the department may authorize the driving privilege under RCW 46.20.311;
- (3) Who has been classified as an alcoholic, drug addict, alcohol abuser, or drug abuser by a program approved by the department of social and health services. The department may, however, issue a license if the person:
 - (a) Has been granted a deferred prosecution under chapter 10.05 RCW; or
 - (b) Is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol or drug abuse problem;
- (4) Who has previously been adjudged to be mentally ill or insane, or to be incompetent due to a mental disability or disease. The department shall, however, issue a license to the person if he or she otherwise qualifies and:
 - (a) Has been restored to competency by the methods provided by law; or
 - (b) The superior court finds the person able to operate a motor vehicle with safety upon the highways during such incompetency;
- (5) Who has not passed the driver's licensing examination required by RCW 46.20.120 and 46.20.305, if applicable;
- (6) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (7) Who is unable to safely operate a motor vehicle upon the highways due to a physical or mental disability. The department's conclusion that a person is barred from licensing under this subsection must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction;
- (8) Who has violated his or her written promise to appear, respond, or comply regarding a notice of infraction issued for abandonment of a vehicle in violation of RCW 46.55.105, unless:
 - (a) The court has not notified the department of the violation;
 - (b) The department has received notice from the court showing that the person has been found not to have committed the violation of RCW 46.55.105; or
 - (c) The person has paid all monetary penalties owing, including completion of community service, and the court is satisfied that the person has made restitution as provided by RCW 46.55.105(2).

[1999 c 6 § 7; 1995 c 219 § 1; 1993 c 501 § 2; 1985 c 101 § 1; 1977 ex.s. c 162 § 1; 1965 ex.s. c 121 § 4.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.024.

Juvenile driving privileges, alcohol or drug violations: RCW 66.44.365, 69.50.420.

RCW 46.20.035 Proof of identity.

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An Immigration and Naturalization Service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant.

(4) The form of an applicant's name, as established under this section, must be the person's name of record for the purposes of this chapter.

(5) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

[1999 c 6 § 8; 1998 c 41 § 10; 1993 c 452 § 1.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

RCW 46.20.041 Physically or mentally disabled persons.

(1) If the department has reason to believe that a person is suffering from a physical or mental disability or disease that may affect that person's ability to drive a motor vehicle, the department must evaluate whether the person is able to safely drive a motor vehicle. As part of the evaluation:

(a) The department shall permit the person to demonstrate personally that notwithstanding the disability or disease he or she is able to safely drive a motor vehicle.

(b) The department may require the person to obtain a statement signed by a licensed physician or other proper authority designated by the department certifying the person's condition.

(i) The statement is for the confidential use of the director and the chief of the Washington state patrol and for other public officials designated by law. It is exempt from public inspection and copying notwithstanding chapter 42.17 RCW.

(ii) The statement may not be offered as evidence in any court except when appeal is taken from the order of the director canceling or withholding a person's driving privilege. However, the department may make the statement available to the director of the department of retirement systems for use in determining eligibility for or continuance of disability benefits and it may be offered and admitted as evidence in any administrative proceeding or court action concerning the disability benefits.

(2) On the basis of the evaluation the department may:

(a) Issue or renew a driver's license to the person without restrictions;

(b) Cancel or withhold the driving privilege from the person; or

(c) Issue a restricted driver's license to the person. The restrictions must be suitable to the licensee's driving ability. The restrictions may include:

(i) Special mechanical control devices on the motor vehicle operated by the licensee;

(ii) Limitations on the type of motor vehicle that the licensee may operate; or

(iii) Other restrictions determined by the department to be appropriate to assure the licensee's safe operation of a motor vehicle.

(3) The department may either issue a special restricted license or may set forth the restrictions upon the usual license form.

(4) The department may suspend or revoke a restricted license upon receiving satisfactory evidence of any violation of the restrictions. In that event the licensee is entitled to a driver improvement interview and a hearing as provided by RCW 46.20.322 or 46.20.328.

(5) Operating a motor vehicle in violation of the restrictions imposed in a restricted license is a traffic infraction.

[1999 c 274 § 12; 1999 c 6 § 9; 1986 c 176 § 1; 1979 ex.s. c 136 § 54; 1979 c 61 § 2; 1965 ex.s. c 121 § 5.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.045 School bus, for hire drivers--Age.

A person who is under the age of eighteen years shall not drive:

- (1) A school bus transporting school children; or
- (2) A motor vehicle transporting persons for compensation.

[1999 c 6 § 10; 1971 ex.s. c 292 § 43; 1965 ex.s. c 121 § 6.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 46.20.049 Commercial driver's license--Additional fee, disposition.

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed twenty dollars for the original commercial driver's license or subsequent renewals, unless the commercial driver's license is renewed or extended for a period other than five years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The fee shall be deposited in the highway safety fund.

[1999 c 308 § 4; 1989 c 178 § 21; 1985 ex.s. c 1 § 7; 1969 ex.s. c 68 § 3; 1967 ex.s. c 20 § 4. Formerly RCW 46.20.470.]

NOTES:

Effective date--1999 c 308: See note following RCW 46.20.120.

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--1967 ex.s. c 20: "Sections 1, 3, and 4 of this amendatory act shall be effective January 1, 1968." [1967 ex.s. c 20 § 5.]

RCW 46.20.055 Instruction permit.

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a five-dollar fee, and meets the following requirements:

- (a) Is at least fifteen and one-half years of age; or
- (b) Is at least fifteen years of age and:
 - (i) Has submitted a proper application; and
 - (ii) Is enrolled in a traffic safety education program approved and accredited by the superintendent of public instruction that includes practice driving.

(2) **Nonphoto permit fee.** An applicant who meets the requirements of subsection (1) of this section other than payment of the five-dollar fee may obtain a driver's instruction permit without a photograph by paying a fee of four dollars.

(3) **Waiver of written examination for instruction permit.** The department may waive

the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(4) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

(b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(5) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

[1999 c 274 § 13; 1999 c 6 § 11; 1990 c 250 § 34; 1986 c 17 § 1; 1985 c 234 § 1; 1981 c 260 § 10. Prior: 1979 c 63 § 1; 1979 c 61 § 3; 1969 ex.s. c 218 § 8; 1965 ex.s. c 121 § 7.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.20.065 Temporary permit.

(1) If the department is completing an investigation and determination of facts concerning an applicant's right to receive a driver's license, it may issue a temporary driver's permit to the applicant.

(2) A temporary driver's permit authorizes the permittee to drive a motor vehicle for up to sixty days. The permittee must have immediate possession of the permit while driving a motor vehicle.

(3) A temporary driver's permit is invalid if the department has issued a license to the permittee or refused to issue a license to the permittee for good cause.

[1999 c 6 § 12.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

RCW 46.20.070 Juvenile agricultural driving permit.

(1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

(a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;

- (b) The applicant has passed the driving examination required by RCW 46.20.120;
- (c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;
- (d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and
- (e) The applicant has paid a fee of three dollars.

The permit must contain a photograph of the person.

(2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:

(i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and

(ii) Participate in the classroom portion of a traffic safety education course authorized under RCW 28A.220.030 offered in the community where the holder resides.

(b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.

(3) **Term and renewal of agricultural driving permit.** An agricultural driving permit expires one year from the date of issue.

(a) A person under the age of eighteen who holds a permit may renew the permit by paying a three-dollar fee.

(b) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.

(4) **Suspension, revocation, or cancellation.** The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:

(a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or

(b) The director is satisfied that the permittee has violated the permit's restrictions.

[1999 c 6 § 13; 1997 c 82 § 1; 1985 ex.s. c 1 § 1; 1979 c 61 § 4; 1969 ex.s. c 218 § 9; 1969 ex.s. c 170 § 12; 1967 c 32 § 27; 1963 c 39 § 9; 1961 c 12 § 46.20.070. Prior: 1947 c 158 § 1, part; 1937 c 188 § 45, part; Rem. Supp. 1947 § 6312-45, part.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--1985 ex.s. c 1: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985." [1985 ex.s. c 1 § 14.]

RCW 46.20.075 Intermediate license.

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least sixteen years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least fifty hours of driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family as defined in RCW 42.17.020. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except when the holder is accompanied by a parent, guardian, or a licensed driver who is at least twenty-five years of age.

(4) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(6) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the twelve-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an automobile accident; and

(b) Has not been convicted or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section.

[2000 c 115 § 2.]

NOTES:

Reviser's note--Sunset Act application: The intermediate driver's license program is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.397. RCW 46.20.075, 46.20.267, and 28A.220.070; 2000 c 115 § 1 (uncodified); and the 2000 c 115 amendments to RCW 46.20.105, 46.20.161, 46.20.311, and 46.20.342 are scheduled for future repeal under RCW 43.131.398.

Finding--2000 c 115: "The legislature has recognized the need to develop a graduated licensing system in light of the disproportionately high incidence of motor vehicle crashes involving youthful motorists. This system will improve highway safety by progressively developing and improving the skills of younger drivers in the safest possible environment, thereby reducing the number of vehicle crashes." [2000 c 115 § 1.]

Effective date--2000 c 115 §§ 1-10: "Sections 1 through 10 of this act take effect July 1, 2001." [2000 c 115 § 14.]

OBTAINING OR RENEWING A DRIVER'S LICENSE

RCW 46.20.091 Application--Penalty for false statement--Driving records from and to other jurisdictions.

(1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide his or her:

- (a) Name of record, as established by documentation required under RCW 46.20.035;
- (b) Date of birth, as established by satisfactory evidence of age;
- (c) Sex;
- (d) Washington residence address;
- (e) Description;
- (f) Driving licensing history, including:

(i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or

(ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and

- (g) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The form must include a section for the applicant to indicate whether he or she has received driver training and, if so, where. The identifying documentation verifying the name of record must be accompanied by the applicant's written statement that it is valid. The information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

[2000 c 115 § 4; 1999 c 6 § 14; 1998 c 41 § 11; 1996 c 287 § 5; 1990 c 250 § 35; 1985 ex.s. c 1 § 2; 1979 c 63 § 2; 1965 ex.s. c 121 § 8.]

NOTES:

Finding--2000 c 115: See note following RCW 46.20.075.

Effective date--2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.0921 Violations--Penalty.

It is a misdemeanor for any person:

(1) To display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identicard;

(2) To lend his or her driver's license or identicard to any other person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any driver's license or identicard not issued to him or her;

(4) Willfully to fail or refuse to surrender to the department upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled;

(5) To use a false or fictitious name in any application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

(6) To permit any unlawful use of a driver's license or identicard issued to him or her.

[1990 c 210 § 3; 1981 c 92 § 1; 1965 ex.s. c 121 § 41. Formerly RCW 46.20.336.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.20.093 Bicycle safety.

The department of licensing shall incorporate a section on bicycle safety and sharing the road into its instructional publications for drivers and shall include questions in the written portion of the driver's license examination on bicycle safety and sharing the road with bicycles.

[1998 c 165 § 4.]

Notes:

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.20.095 Instructional publication information.

The department's instructional publications for drivers must include information on:

(1) The proper use of the left-hand lane by motor vehicles on multilane highways; and

(2) Bicyclists' and pedestrians' rights and responsibilities.

[1999 c 6 § 15; 1998 c 165 § 5; 1986 c 93 § 3.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Short title--1998 c 165: See note following RCW 43.59.010.

Keep right except when passing, etc.: RCW 46.61.100.

RCW 46.20.100 Persons under eighteen.

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020. The course must meet the standards established by the office of the state superintendent of public instruction. The traffic safety education course may be provided by:

(i) A recognized secondary school; or

(ii) A commercial driving enterprise that is annually approved by the office of the superintendent of public instruction.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a traffic safety education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

[1999 c 274 § 14; 1999 c 6 § 16; 1990 c 250 § 36; 1985 c 234 § 2; 1979 c 158 § 146; 1973 1st ex.s. c 154 § 87; 1972 ex.s. c 71 § 1; 1969 ex.s. c 218 § 10; 1967 c 167 § 1; 1965 ex.s. c 170 § 43; 1961 c 12 § 46.20.100. Prior: 1937 c 188 § 51; RRS § 6312-51; 1921 c 108 § 6, part; RRS § 6368, part.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 46.20.105 Identifying types of licenses and permits.

(1) The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

(2) An instruction permit must be identified as an "instruction permit" and issued in a distinctive form as determined by the department.

(3) An intermediate license must be identified as an "intermediate license" and issued in a distinctive form as determined by the department.

[2000 c 115 § 5; 1987 c 463 § 3.]

NOTES:

Sunset Act application: See note following RCW 46.20.075.

Finding--2000 c 115: See note following RCW 46.20.075.

Effective date--2000 c 115 §§ 1-10: See note following RCW 46.20.075.

RCW 46.20.109 Wheelchair conveyances.

Each operator of a wheelchair conveyance shall undergo a special examination conducted for the purpose of determining whether that person can properly and safely operate the conveyance on public roadways within a specified area. An operator's license issued after the special examination may specify the route, area, time, or other restrictions that are necessary to ensure the safety of the operator as well as the general motoring public. The department shall adopt rules for periodic review of the performance of operators of wheelchair conveyances. Operation of a wheelchair conveyance in violation of these rules is a traffic infraction.

[1983 c 200 § 3. Formerly RCW 46.20.550]

Notes:

Severability--1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definition: RCW 46.04.710.

licensing: RCW 46.16.640.

public roadways, operating on: RCW 46.61.730.

safety standards: RCW 46.37.610.

RCW 46.20.113 Anatomical gift statement.

The department of licensing shall provide a statement whereby the licensee may certify his or her willingness to make an anatomical gift under RCW 68.50.540, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

(1) On each driver's license; or

(2) With each driver's license; or

(3) With each in-person driver's license application.

[1993 c 228 § 18; 1987 c 331 § 81; 1979 c 158 § 147; 1975 c 54 § 1.]

Notes:

Application, construction--Severability--1993 c 228: See RCW 68.50.902 and 68.50.903.

Effective date--1987 c 331: See RCW 68.05.900.

RCW 46.20.114 Preventing alteration or reproduction.

The department shall prepare and issue drivers' licenses and identicards using processes that prohibit as nearly as possible the alteration or reproduction of such cards, or the superimposing of other photographs on such cards, without ready detection.

[1999 c 6 § 17; 1977 ex.s. c 27 § 2.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Purpose--1977 ex.s. c 27: "The legislature finds that the falsification of cards and licenses is a serious social problem creating economic hardship and problems which impede the efficient conduct of commerce and government. The legislature is particularly concerned that the increasing use of false drivers' licenses and identicards to purchase liquor, to cash bad checks, and to obtain food stamps and other benefits is causing the loss of liquor licenses, the loss of jobs, the loss of income, and the loss of human life in addition to significant monetary losses in business and government. It is the purpose of RCW 46.20.114 to require an effective means of rendering drivers' licenses and identicards as immune as possible from alteration and counterfeiting in order to promote the public health and safety of the people of this state." [1977 ex.s. c 27 § 1.]

RCW 46.20.117 Identicards.

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

- (a) Does not hold a valid Washington driver's license;
- (b) Proves his or her identity as required by RCW 46.20.035; and
- (c) Pays the required fee. The fee is four dollars unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

- (a) Be distinctly designed so that it will not be confused with the official driver's license;
- and

(b) Expire on the fifth anniversary of the applicant's birthdate after issuance.

(3) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

[1999 c 274 § 15; 1999 c 6 § 18; 1993 c 452 § 3; 1986 c 15 § 1; 1985 ex.s. c 1 § 3; 1985 c 212 § 1; 1981 c 92 § 2; 1971 ex.s. c 65 § 1; 1969 ex.s. c 155 § 4.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Purpose--1971 ex.s. c 65: "The efficient and effective operation and administration of state government affects the health, safety, and welfare of the people of this state and it is the intent and purpose of this act to promote the health, safety, and welfare of the people by improving the operation and administration of state government."
[1971 ex.s. c 65 § 2.]

Effective date--Purpose--1969 ex.s. c 155: See notes following RCW 46.20.118.

RCW 46.20.118 Negative file.

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW 46.20.070 through 46.20.119. Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

[1990 c 250 § 37; 1981 c 22 § 1; 1979 c 158 § 149; 1969 ex.s. c 155 § 5.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Purpose--1969 ex.s. c 155: "The identification of the injured or the seriously ill is often difficult. The need for an identification file to facilitate use by proper law enforcement officers has hampered law enforcement. Personal identification for criminal, personal and commercial reasons is becoming most important at a time when it is increasingly difficult to accomplish. The legislature finds that the public health and welfare requires a standard and readily recognizable means of identification of each person living within the state. The legislature further finds that the need for an identification file by law enforcement agencies must be met. The use of photographic drivers' licenses will greatly aid the problem, but some means of identification must be provided for persons who do not possess a driver's license. The purpose of this 1969 amendatory act is to provide for the positive identification of persons, both through an expanded use of drivers' licenses and also through issue of personal identification cards for nondrivers." [1969 ex.s. c 155 § 1.]

Effective date--1969 ex.s. c 155: "This 1969 amendatory act shall take effect September 1, 1969." [1969 ex.s. c 155 § 7.]

RCW 46.20.119 Reasonable rules.

The rules and regulations adopted pursuant to RCW 46.20.070 through 46.20.119 shall be reasonable in view of the purposes to be served by RCW 46.20.070 through 46.20.119.

[1990 c 250 § 38; 1969 ex.s. c 155 § 6.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Purpose--1969 ex.s. c 155: See notes following RCW 46.20.118.

RCW 46.20.120 Examinations--Waiver--Out-of-state renewals--Fees.

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's

license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of seven dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than five years.

(3) A person whose license expired or will expire on or after January 1, 1998, while he or she was or is living outside the state may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail. If a person qualifies for a mail-in renewal he or she is not required to pass an examination nor provide an updated photograph. He or she must, however, pay the fee required by RCW 46.20.181 plus an additional five-dollar mail-in renewal fee. A license renewed by mail that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(4) If a person's driver's license is extended or renewed under subsection (3) of this section while he or she is outside the state, he or she must submit to the examination required under this section within sixty days of returning to this state. The department will not assess a penalty or examination fee for the examination.

[1999 c 308 § 1; 1999 c 199 § 3; 1999 c 6 § 19; 1990 c 9 § 1; 1988 c 88 § 2; 1985 ex.s. c 1 § 4; 1979 c 61 § 6; 1975 1st ex.s. c 191 § 2; 1967 c 167 § 4; 1965 ex.s. c 121 § 9; 1961 c 12 § 46.20.120. Prior: 1959 c 284 § 1; 1953 c 221 § 2; 1937 c 188 § 55, part; RRS § 6312-55, part.]

Notes:

Reviser's note: This section was amended by 1999 c 199 § 3 and by 1999 c 308 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 308: "Sections 1 through 5 of this act take effect July 1, 2000." [1999 c 308 § 6.]

Effective date--1999 c 199: See note following RCW 46.20.027.

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.130 Content and conduct of examinations.

(1) The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include but is not limited to:

(a) A test of the applicant's eyesight and ability to see, understand, and follow highway signs regulating, warning, and directing traffic;

(b) A test of the applicant's knowledge of traffic laws and ability to understand and follow the directives of lawful authority, orally or graphically, that regulate, warn, and direct traffic in accordance with the traffic laws of this state;

(c) An actual demonstration of the applicant's ability to operate a motor vehicle without jeopardizing the safety of persons or property; and

(d) Such further examination as the director deems necessary:

(i) To determine whether any facts exist that would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21, and 46.29 RCW; and

(ii) To determine the applicant's fitness to operate a motor vehicle safely on the highways.

(2) If the applicant desires to drive a motorcycle or a motor-driven cycle he or she must qualify for a motorcycle endorsement under RCW 46.20.500 through 46.20.515.

[1999 c 6 § 20; 1990 c 250 § 39; 1981 c 245 § 4; 1967 c 232 § 2; 1965 ex.s. c 121 § 10; 1961 c 12 § 46.20.130. Prior: 1959 c 284 § 2; 1943 c 151 § 1; 1937 c 188 § 57; Rem. Supp. 1943 § 6312-57.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1981 c 245: See note following RCW 46.20.161.

RCW 46.20.153 Voter registration--Posting signs.

The department shall post signs at each driver licensing facility advertising the availability of voter registration services and advising of the qualifications to register to vote.

[2001 c 41 § 15.]

RCW 46.20.155 Voter registration--Services.

Before issuing an original license or identification card or renewing a license or identification card under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall state the following:

"I would like to remind you that you must be a United States citizen and at least eighteen years of age in order to vote."

The agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration.

[2001 c 41 § 14; 1990 c 143 § 6.]

NOTES:

Effective date--1990 c 143: See note following RCW 29.07.260.

Voter registration with driver licensing: RCW 29.07.260 through 29.07.320.

RCW 46.20.157 Data to department of information services--Confidentiality.

(1) Except as provided in subsection (2) of this section, the department shall annually provide to the department of information services an electronic data file. The data file must:

(a) Contain information on all licensed drivers and identicard holders who are eighteen years of age or older and whose records have not expired for more than two years;

(b) Be provided at no charge; and

(c) Contain the following information on each such person: Full name, date of birth, residence address including county, sex, and most recent date of application, renewal, replacement, or change of driver's license or identicard.

(2) Before complying with subsection (1) of this section, the department shall remove from the file the names of any certified participants in the Washington state address confidentiality program under chapter 40.24 RCW that have been identified to the department by the secretary of state.

[1999 c 6 § 21; 1993 c 408 § 12.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--Effective dates--1993 c 408: See notes following RCW 2.36.054.

RCW 46.20.161 Issuance of license--Contents--Fee.

The department, upon receipt of a fee of twenty-five dollars, unless the driver's license is issued for a period other than five years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

[2000 c 115 § 6; 1999 c 308 § 2; 1999 c 6 § 22; 1998 c 41 § 12; 1990 c 250 § 40; 1981 c 245 § 1; 1975 1st ex.s. c 191 § 3; 1969 c 99 § 6; 1965 ex.s. c 121 § 11.]

NOTES:

Sunset Act application: See note following RCW 46.20.075.

Finding--2000 c 115: See note following RCW 46.20.075.

Effective date--2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Effective date--1999 c 308: See note following RCW 46.20.120.

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1981 c 245: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 245 § 5.]

Effective date--1969 c 99: See note following RCW 79A.05.070.

RCW 46.20.181 Expiration date--Renewal--Fees--Penalty.

(1) Except as provided in subsection (4) of this section, every driver's license expires on the fifth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of twenty-five dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) During the period from July 1, 2000, to July 1, 2006, the department may issue or renew a driver's license for a period other than five years, or may extend by mail a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than five years, or that has been extended by mail, is five dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

[1999 c 308 § 3; 1999 c 6 § 23; 1990 c 250 § 41; 1981 c 245 § 2; 1975 1st ex.s. c 191 § 4; 1969 c 99 § 7; 1965 ex.s. c 170 § 46; 1965 ex.s. c 121 § 17.]

Notes:

Effective date--1999 c 308: See note following RCW 46.20.120.

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1981 c 245: See note following RCW 46.20.161.

Effective date--1969 c 99: See note following RCW 79A.05.070.

RCW 46.20.185 Photograph during renewal.

The department of licensing shall establish a procedure for renewal of drivers' licenses

under this chapter which does not deprive the applicant during the renewal process of an identification bearing the applicant's photograph.

This identification shall be designed to and shall be accepted as proper identification under RCW 66.16.040.

[1979 ex.s. c 87 § 1.]

RCW 46.20.187 Registration of sex offenders.

The department, at the time a person renews his or her driver's license or identicard, or surrenders a driver's license from another jurisdiction pursuant to RCW 46.20.021 and makes an application for a driver's license or an identicard, shall provide the applicant with written information on the registration requirements of RCW 9A.44.130.

[1990 c 3 § 407.]

Notes:

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

RCW 46.20.200 Lost, destroyed, corrected licenses or permits.

(1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of five dollars to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of two dollars and surrender of the permit, identicard, or driver's license being replaced.

[1985 ex.s. c 1 § 5; 1975 1st ex.s. c 191 § 5; 1965 ex.s. c 121 § 16; 1961 c 12 § 46.20.200. Prior: 1947 c 164 § 18; 1937 c 188 § 60; Rem. Supp. 1947 § 6312-60; 1921 c 108 § 11; RRS § 6373.]

Notes:

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.205 Change of address or name.

(1) Whenever any person after applying for or receiving a driver's license or identicard moves from the address named in the application or in the license or identicard issued to him or her, the person shall within ten days thereafter notify the department of the address change. The notification must be in writing on a form provided by the department and must include the number of the person's driver's license. The written notification, or other means as designated by rule of the department, is the exclusive means by which the address of record maintained by the department concerning the licensee or identicard holder may be changed.

(a) The form must contain a place for the person to indicate that the address change is not for voting purposes. The department of licensing shall notify the secretary of state by the means described in RCW 29.07.270(3) of all change of address information received by means of this form except information on persons indicating that the change is not for voting purposes.

(b) Any notice regarding the cancellation, suspension, revocation, disqualification, probation, or nonrenewal of the driver's license, commercial driver's license, driving privilege, or identicard mailed to the address of record of the licensee or identicard holder is effective notwithstanding the licensee's or identicard holder's failure to receive the notice.

(2) When a licensee or holder of an identicard changes his or her name of record, the person shall notify the department of the name change. The person must make the notification within ten days of the date that the name change is effective. The notification must be in writing on a form provided by the department and must include the number of the person's driver's license. The department of licensing shall not change the name of record of a person under this section unless the person has again satisfied the department regarding his or her identity in the manner provided by RCW 46.20.035.

[1999 c 6 § 24; 1998 c 41 § 13; 1996 c 30 § 4; 1994 c 57 § 52; 1989 c 337 § 6; 1969 ex.s. c 170 § 13; 1965 ex.s. c 121 § 18.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Effective date--1996 c 30: See note following RCW 46.25.010.

Severability--Effective date--1994 c 57: See notes following RCW 10.64.021.

RESTRICTING THE DRIVING PRIVILEGE

RCW 46.20.207 Cancellation.

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

[1993 c 501 § 3; 1991 c 293 § 4; 1965 ex.s. c 121 § 20.]

RCW 46.20.215 Nonresidents--Suspension or revocation--Reporting offenders.

(1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was

entered, or the conviction was a result of the forfeiture of bail, bond or other security.

(3) The department shall, upon receiving a record of the commission of a traffic infraction in this state by a nonresident driver of a motor vehicle, forward a report of the traffic infraction to the motor vehicle administrator in the state where the person who committed the infraction resides. The report shall clearly identify the person found to have committed the infraction; describe the infraction, specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether the determination that an infraction was committed was contested or whether the individual failed to respond to the notice of infraction.

[1979 ex.s. c 136 § 57; 1965 ex.s. c 121 § 21.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.220 Vehicle rentals--Records.

(1) It shall be unlawful for any person to rent a motor vehicle of any kind including a motorcycle to any other person unless the latter person is then duly licensed as a vehicle driver for the kind of motor vehicle being rented in this state or, in case of a nonresident, then that he is duly licensed as a driver under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle driver be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle driver's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle driver's license of the person renting the vehicle and the date and place when and where such vehicle driver's license was issued. Such record shall be open to inspection by any police officer or anyone acting for the director.

[1969 c 27 § 1. Prior: 1967 c 232 § 9; 1967 c 32 § 28; 1961 c 12 § 46.20.220; prior: 1937 c 188 § 63; RRS § 6312-63.]

Notes:

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.024.

Helmet requirements: RCW 46.37.535.

RCW 46.20.265 Juvenile driving privileges--Revocation for alcohol or drug violations.

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without

hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(c) Each offense for which the department receives notice shall result in a separate period of revocation. All periods of revocation imposed under this section that could otherwise overlap shall run consecutively and no period of revocation imposed under this section shall begin before the expiration of all other periods of revocation imposed under this section or other law.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section if the minimum term of revocation as specified in RCW 13.40.265(1)(c), 66.44.365(3), 69.41.065(3), 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and subject to subsection (2)(c) of this section.

(4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection, subject to subsection (2)(c) of this section.

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

[1998 c 41 § 2; 1994 sp.s. c 7 § 439; 1991 c 260 § 1; 1989 c 271 § 117; 1988 c 148 § 7.]

NOTES:

Intent--Construction--1998 c 41: "It is the intent and purpose of this act to clarify procedural issues and make technical corrections to statutes relating to drivers' licenses. This act should not be construed as changing existing public policy." [1998 c 41 § 1.]

Effective date--1998 c 41: "This act takes effect July 1, 1998." [1998 c 41 § 15.]

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date--1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Severability--1989 c 271: See note following RCW 9.94A.510.

Legislative finding--Severability--1988 c 148: See notes following RCW 13.40.265.

RCW 46.20.267 Intermediate licensees.

If a person issued an intermediate license is convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate license under RCW 46.20.075:

(1) On the first such conviction or finding the department shall mail the parent or guardian of the person a letter warning the person of the provisions of this section;

(2) On the second such conviction or finding, the department shall suspend the person's intermediate driver's license for a period of six months or until the person reaches eighteen years of age, whichever occurs first, and mail the parent or guardian of the person a notification of the suspension;

(3) On the third such conviction or finding, the department shall suspend the person's intermediate driver's license until the person reaches eighteen years of age, and mail the parent or guardian of the person a notification of the suspension.

For the purposes of this section, a single ticket for one or more traffic offenses constitutes a single traffic offense.

[2000 c 115 § 3.]

NOTES:

Sunset Act application: See note following RCW 46.20.075.

Finding--2000 c 115: See note following RCW 46.20.075.

Effective date--2000 c 115 §§ 1-10: See note following RCW 46.20.075.

RCW 46.20.270 Conviction of offense requiring suspension or revocation--Procedures, records, reporting, definition.

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any

other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that two or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

[1990 2nd ex.s. c 1 § 402; 1990 c 250 § 42; 1982 1st ex.s. c 14 § 5; 1979 ex.s. c 136 § 58; 1979 c 61 § 7; 1977 ex.s. c 3 § 1; 1967 ex.s. c 145 § 55; 1965 ex.s. c 121 § 22; 1961 c 12 § 46.20.270. Prior: 1937 c 188 § 68; RRS § 6312-68; prior: 1923 c 122 § 2, part; 1921 c 108 § 9, part; RRS § 6371, part.]

Notes:

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Severability--1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.20.285 Offenses requiring revocation.

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years. The revocation period shall be tolled during any period of total confinement for the offense;

(2) Vehicular assault. The revocation period shall be tolled during any period of total confinement for the offense;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

[2001 c 64 § 6. Prior: 1998 c 207 § 4; 1998 c 41 § 3; 1996 c 199 § 5; 1990 c 250 § 43; 1985 c 407 § 2; 1984 c 258 § 324; 1983 c 165 § 16; 1983 c 165 § 15; 1965 ex.s. c 121 § 24.]

NOTES:

Effective date--1998 c 207: See note following RCW 46.61.5055.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1996 c 199: See note following RCW 9.94A.505.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

Revocation of license for attempting to elude pursuing police vehicle: RCW 46.61.024.

Vehicular assault, penalty: RCW 46.61.522.

Vehicular homicide, penalty: RCW 46.61.520.

RCW 46.20.286 Adoption of procedures.

The department of licensing shall adopt procedures in cooperation with the office of the administrator for the courts and the department of corrections to implement RCW 46.20.285.

[1996 c 199 § 6.]

NOTES:

Severability--1996 c 199: See note following RCW 9.94A.505.

RCW 46.20.289 Suspension for failure to respond, appear, etc.

The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW *46.63.070(5), 46.63.110(5), or 46.64.025 that the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, other than for a notice of a violation of RCW 46.55.105 or a standing, stopping, or parking violation. A suspension under this section takes effect thirty days after the date the department mails notice of the suspension, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

[1999 c 274 § 1; 1995 c 219 § 2; 1993 c 501 § 1.]

Notes:

***Reviser's note:** RCW 46.63.070 was amended by 2000 c 110 § 1, changing subsection (5) to subsection (6).

RCW 46.20.291 Authority to suspend--Grounds.

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

- (1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;
- (2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;
- (3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;
- (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
- (5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289;
- (6) Is subject to suspension under RCW 46.20.305;
- (7) Has committed one of the prohibited practices relating to drivers' licenses defined in

*RCW 46.20.336; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320.

[1998 c 165 § 12; 1997 c 58 § 806; 1993 c 501 § 4; 1991 c 293 § 5; 1980 c 128 § 12; 1965 ex.s. c 121 § 25.]

Notes:

***Reviser's note:** RCW 46.20.336 was recodified as RCW 46.20.0921 pursuant to 1999 c 6 § 28.

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Reckless driving, suspension of license: RCW 46.61.500.

Vehicle assault

drug and alcohol evaluation and treatment: RCW 46.61.524.

penalty: RCW 46.61.522.

Vehicle homicide

drug and alcohol evaluation and treatment: RCW 46.61.524.

penalty: RCW 46.61.520.

RCW 46.20.292 Finding of juvenile court officer.

The department may suspend, revoke, restrict, or condition any driver's license upon a showing of its records that the licensee has been found by a juvenile court, chief probation officer, or any other duly authorized officer of a juvenile court to have committed any offense or offenses which under Title 46 RCW constitutes grounds for said action.

[1979 c 61 § 8; 1967 c 167 § 9.]

RCW 46.20.293 Minor's record to juvenile court, parents, or guardians.

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.101 and 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against the person and shall collect for the copy a fee of four dollars and fifty cents to be deposited in the highway safety fund.

[1999 c 86 § 3; 1990 c 250 § 44; 1979 c 61 § 9; 1977 ex.s. c 3 § 2; 1971 ex.s. c 292 § 45; 1969 ex.s. c 170 § 14;

1967 c 167 § 10.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 46.20.300 Extraterritorial convictions.

The director of licensing shall suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

[1989 c 337 § 7; 1979 c 158 § 150; 1967 c 32 § 29; 1961 c 12 § 46.20.300. Prior: 1957 c 273 § 8; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

RCW 46.20.305 Incompetent, unqualified driver--Reexamination--Physician's certificate--Action by department.

(1) The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him or her to submit to an examination.

(2) The department shall require a driver reported under RCW 46.52.070 (2) and (3) to submit to an examination. The examination must be completed no later than one hundred twenty days after the accident report required under RCW 46.52.070(2) is received by the department unless the department, at the request of the operator, extends the time for examination.

(3) The department may in addition to an examination under this section require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department.

(4) Upon the conclusion of an examination under this section the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him or her to retain such license, or may issue a license subject to restrictions as permitted under RCW 46.20.041. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination.

(5) The department may require payment of a fee by a person subject to examination under this section. The department shall set the fee in an amount that is sufficient to cover the additional cost of administering examinations required by this section.

[1999 c 351 § 3; 1998 c 165 § 13; 1965 ex.s. c 121 § 26.]

Notes:

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.20.308 Implied consent--Test refusal--Procedures.

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test;

(b) His or her license, permit, or privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.08 or more, in the case of a person age twenty-one or over, or in violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by

subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or is in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required one hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state

while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be

taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

[1999 c 331 § 2; 1999 c 274 § 2. Prior: 1998 c 213 § 1; 1998 c 209 § 1; 1998 c 207 § 7; 1998 c 41 § 4; 1995 c 332 § 1; 1994 c 275 § 13; 1989 c 337 § 8; 1987 c 22 § 1; prior: 1986 c 153 § 5; 1986 c 64 § 1; 1985 c 407 § 3; 1983 c 165 § 2; 1983 c 165 § 1; 1981 c 260 § 11; prior: 1979 ex.s. c 176 § 3; 1979 ex.s. c 136 § 59; 1979 c 158 § 151; 1975 1st ex.s. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242, approved November 5, 1968).]

NOTES:

Reviser's note: This section was amended by 1999 c 274 § 2 and by 1999 c 331 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 331: See note following RCW 9.94A.525.

Effective date--1998 c 213: "This act takes effect January 1, 1999." [1998 c 213 § 9.]

Effective date--1998 c 209: "This act takes effect January 1, 1999." [1998 c 209 § 6.]

Effective date--1998 c 207: See note following RCW 46.61.5055.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1995 c 332: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 332 § 23.]

Effective dates--1995 c 332: "This act shall take effect September 1, 1995, except for sections 13 and 22 of this act which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 11, 1995]." [1995 c 332 § 24.]

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent--1983 c 165: "The legislature finds that previous attempts to curtail the

incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury, and death caused by drinking drivers have reached unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to insure swift and certain punishment for those who drink and drive. The legislature does not intend to discourage or deter courts and other agencies from directing or providing treatment for problem drinkers. However, it is the intent that such treatment, where appropriate, be in addition to and not in lieu of the sanctions to be applied to all those convicted of driving while intoxicated." [1983 c 165 § 44.]

Effective dates--1983 c 165: "Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of chapter 165, Laws of 1983 shall take effect on January 1, 1986. The remainder of chapter 165, Laws of 1983 is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of chapter 165, Laws of 1983 are implemented on their respective effective dates." [1984 c 219 § 1; 1983 c 165 § 47.]

Severability--1983 c 165: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 165 § 48.]

Severability--1979 ex.s. c 176: See note following RCW 46.61.502.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability, implied consent law--1969 c 1: See RCW 46.20.911.

Liability of medical personnel withdrawing blood: RCW 46.61.508.

Refusal of test--Admissibility as evidence: RCW 46.61.517.

RCW 46.20.3101 Implied consent--License sanctions, length of.

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath

or blood was in violation of RCW 46.61.502, 46.61.503, or 46.61.504:

- (a) For a first incident within seven years, suspension or denial for ninety days;
- (b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

[1998 c 213 § 2; 1998 c 209 § 2; 1998 c 207 § 8; 1995 c 332 § 3.]

Notes:

Reviser's note: This section was amended by 1998 c 207 § 8, 1998 c 209 § 2, and by 1998 c 213 § 2, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 213: See note following RCW 46.20.308.

Effective date--1998 c 209: See note following RCW 46.20.308.

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

RCW 46.20.311 Duration of license sanctions--Reissuance or renewal.

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law. Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of

the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

[2001 c 325 § 2; 2000 c 115 § 7; 1998 c 212 § 1; 1997 c 58 § 807; 1995 c 332 § 11; 1994 c 275 § 27; 1993 c 501 § 5; 1990 c 250 § 45; 1988 c 148 § 9. Prior: 1985 c 407 § 4; 1985 c 211 § 1; 1984 c 258 § 325; 1983 c 165 § 18; 1983 c 165 § 17; 1982 c 212 § 5; 1981 c 91 § 1; 1979 ex.s. c 136 § 60; 1973 1st ex.s. c 36 § 1; 1969 c 1 § 2 (Initiative Measure No. 242, approved November 5, 1968); 1967 c 167 § 5; 1965 ex.s. c 121 § 27.]

NOTES:

Sunset Act application: See note following RCW 46.20.075.

Finding--2000 c 115: See note following RCW 46.20.075.

Effective date--2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Severability--1990 c 250: See note following RCW 46.16.301.

Legislative finding--Severability--1988 c 148: See notes following RCW 13.40.265.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability, implied consent law--1969 c 1: See RCW 46.20.911.

RCW 46.20.315 Surrender of license.

The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department.

[1985 c 302 § 1; 1965 ex.s. c 121 § 28.]

RCW 46.20.317 Unlicensed drivers.

The department is hereby authorized to place any unlicensed person into a suspended or revoked status under any circumstances which would have resulted in the suspension or revocation of the driver's license had that person been licensed.

[1975-'76 2nd ex.s. c 29 § 2. Formerly RCW 46.20.414.]

RCW 46.20.320 Suspension, etc., effective although certificate not delivered.

Any suspension, revocation, or cancellation of a vehicle driver's license shall be in effect notwithstanding the certificate itself is not delivered over or possession thereof obtained by a court, officer, or the director.

[1967 c 32 § 30; 1961 c 12 § 46.20.320. Prior: 1957 c 273 § 10; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

DRIVER IMPROVEMENT

RCW 46.20.322 Interview before suspension, etc.--Exceptions--Appearance of minor's parent or guardian.

(1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on a person's driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict, or condition a minor driver's driving privilege the department may require the appearance of the minor's legal guardian or father or mother, otherwise the parent or guardian having custody of the minor.

[1979 c 61 § 10; 1973 1st ex.s. c 154 § 88; 1967 c 167 § 6; 1965 ex.s. c 121 § 29.]

Notes:

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 46.20.323 Notice of interview--Contents.

The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person to appear for a driver improvement interview not less than ten days from the date notice is given.

[1965 ex.s. c 121 § 30.]

RCW 46.20.324 Persons not entitled to interview or hearing.

A person shall not be entitled to a driver improvement interview or formal hearing as hereinafter provided:

(1) When the action by the department is made mandatory by the provisions of this chapter or other law; or

(2) When the person has refused or neglected to submit to an examination as required by RCW 46.20.305.

[1965 ex.s. c 121 § 31.]

RCW 46.20.325 Suspension or probation before interview--Alternative procedure.

In the alternative to the procedure set forth in RCW 46.20.322 and 46.20.323 the department, whenever it determines from its records or other sufficient evidence that the safety of persons upon the highways requires such action, shall forthwith and without a driver improvement interview suspend the privilege of a person to operate a motor vehicle or impose reasonable terms and conditions of probation consistent with the safe operation of a motor vehicle. The department shall in such case, immediately notify such licensee in writing and upon his request shall afford him an opportunity for a driver improvement interview as early as practical within not to exceed seven days after receipt of such request, or the department, at the time it gives notice may set the date of a driver improvement interview, giving not less than ten days' notice thereof.

[1965 ex.s. c 121 § 32.]

RCW 46.20.326 Failure to appear or request interview constitutes waiver--Procedure.

Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in RCW 46.20.322 and 46.20.323 or failure to request a driver improvement interview within ten days as provided in RCW 46.20.325 constitutes a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change

or set aside any order theretofore made, or grant a driver improvement interview.

[1990 c 250 § 46; 1965 ex.s. c 121 § 33.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.20.327 Conduct of interview--Referee--Evidence--Not deemed hearing.

A driver improvement interview shall be conducted in a completely informal manner before a driver improvement analyst sitting as a referee. The applicant or licensee shall have the right to make or file a written answer or statement in which he may controvert any point at issue, and present any evidence or arguments for the consideration of the department pertinent to the action taken or proposed to be taken or the grounds therefor. The department may consider its records relating to the applicant or licensee. The driver improvement interview shall not be deemed an agency hearing.

[1965 ex.s. c 121 § 34.]

RCW 46.20.328 Findings and notification after interview--Request for formal hearing.

Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and shall notify the person involved in writing by personal service of the findings. The referee's findings shall be final unless the person involved is notified to the contrary by personal service or by certified mail within fifteen days. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days, request a formal hearing.

[1979 c 61 § 11; 1965 ex.s. c 121 § 35.]

Notes:

Persons not entitled to formal hearing: RCW 46.20.324.

RCW 46.20.329 Formal hearing--Procedures, notice, stay.

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person has committed a traffic infraction which is a moving violation during pendency of hearing and appeal: PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting

the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted by the director or by a person or persons appointed by the director from among the employees of the department.

[1982 c 189 § 4; 1981 c 67 § 28; 1979 ex.s. c 136 § 61; 1972 ex.s. c 29 § 1; 1965 ex.s. c 121 § 36.]

Notes:

Effective date--1982 c 189: See note following RCW 34.12.020.

Effective dates--Severability--1981 c 67: See notes following RCW 34.12.010.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.331 Hearing and decision by director's designee.

The director may appoint a designee, or designees, to preside over hearings in adjudicative proceedings that may result in the denial, restriction, suspension, or revocation of a driver's license or driving privilege, or in the imposition of requirements to be met prior to issuance or reissuance of a driver's license, under Title 46 RCW. The director may delegate to any such designees the authority to render the final decision of the department in such proceedings. Chapter 34.12 RCW shall not apply to such proceedings.

[1989 c 175 § 111; 1982 c 189 § 3.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Effective date--1982 c 189: See note following RCW 34.12.020.

RCW 46.20.332 Formal hearing--Evidence--Subpoenas--Reexamination--Findings and recommendations.

At a formal hearing the department shall consider its records and may receive sworn testimony and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension or revocation of licenses, the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director or such person designated by the director who is authorized to make final decisions regarding the issuance, denial, suspension, or revocation of licenses.

[1972 ex.s. c 29 § 2; 1965 ex.s. c 121 § 37.]

RCW 46.20.333 Decision after formal hearing.

In all cases not heard by the director or a person authorized by him to make final

decisions regarding the issuance, denial, suspension, or revocation of licenses the director, or a person so authorized shall review the records, evidence, and the findings after a formal hearing, and shall render a decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to grant, or renew a license or the order imposing terms or conditions of probation, or may set aside the prior action of the department and may direct that probation be granted to the applicant or licensee and in such case may fix the terms and conditions of the probation.

[1972 ex.s. c 29 § 3; 1965 ex.s. c 121 § 38.]

RCW 46.20.334 Appeal to superior court.

Any person denied a license or a renewal of a license or whose license has been suspended or revoked by the department except where such suspension or revocation is mandatory under the provisions of this chapter shall have the right within thirty days, after receiving notice of the decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo.

[1972 ex.s. c 29 § 4; 1965 ex.s. c 121 § 39.]

RCW 46.20.335 Probation in lieu of suspension or revocation.

Whenever by any provision of this chapter the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of a suspension or revocation place the person on probation, the terms of which may include a suspension as a condition of probation, and upon such other reasonable terms and conditions as shall be deemed by the department to be appropriate.

[1965 ex.s. c 121 § 40.]

DRIVING OR USING LICENSE WHILE SUSPENDED OR REVOKED

RCW 46.20.338 Display or possession of invalidated license or identicard.

It is a traffic infraction for any person to display or cause or permit to be displayed or have in his or her possession any canceled, revoked, or suspended driver's license or identicard.

[1990 c 210 § 4.]

RCW 46.20.342 Driving while license invalidated--Penalties--Extension of invalidation.

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in

this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

- (i) A conviction of a felony in the commission of which a motor vehicle was used;
- (ii) A previous conviction under this section;
- (iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;
- (iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license;
- (v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;
- (vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;
- (viii) A conviction of RCW 46.61.500, relating to reckless driving;
- (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;
- (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
- (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
- (xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;
- (xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xvii) An administrative action taken by the department under chapter 46.20 RCW; or

(xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

[2001 c 325 § 3; 2000 c 115 § 8; 1999 c 274 § 3; 1993 c 501 § 6; 1992 c 130 § 1; 1991 c 293 § 6. Prior: 1990 c 250 § 47; 1990 c 210 § 5; 1987 c 388 § 1; 1985 c 302 § 3; 1980 c 148 § 3; prior: 1979 ex.s. c 136 § 62; 1979 ex.s. c 74 § 1; 1969 c 27 § 2; prior: 1967 ex.s. c 145 § 52; 1967 c 167 § 7; 1965 ex.s. c 121 § 43.]

NOTES:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Sunset Act application: See note following RCW 46.20.075.

Finding--2000 c 115: See note following RCW 46.20.075.

Effective date--2000 c 115 §§ 1-10: See note following RCW 46.20.075.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Expiration date--1987 c 388: "Sections 1 through 8 of this act shall take effect on July 1, 1988. The director of licensing shall take such steps as are necessary to insure that this act is implemented on its effective date. Sections 2 through 7 of this act shall expire on July 1, 1993." [1987 c 388 § 13.]

Severability--1987 c 388: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 388 § 16.]

Effective date--1980 c 148: See note following RCW 46.10.090.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Impoundment of vehicle: RCW 46.55.113.

RCW 46.20.345 Operation under other license or permit while license suspended or revoked--Penalty.

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. A person who violates the provisions of this section is guilty of a gross misdemeanor.

[1990 c 210 § 6; 1985 c 302 § 5; 1967 c 32 § 35; 1961 c 134 § 2. Formerly RCW 46.20.420.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.20.349 Stopping vehicle of suspended or revoked driver.

Any police officer who has received notice of the suspension or revocation of a driver's license from the department of licensing, may, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer.

[1979 c 158 § 152; 1965 ex.s. c 170 § 47. Formerly RCW 46.20.430.]

RCW 46.20.355 Alcohol violator--Probationary license.

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under

RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the fifty-dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

(5) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

[1998 c 209 § 3; 1998 c 41 § 5; 1995 1st sp.s. c 17 § 1; 1995 c 332 § 4; 1994 c 275 § 8.]

Notes:

Reviser's note: This section was amended by 1998 c 41 § 5 and by 1998 c 209 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 209: See note following RCW 46.20.308.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Effective date--1995 1st sp.s. c 17: "This act shall take effect September 1, 1995." [1995 1st sp.s. c 17 § 3.]

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

OCCUPATIONAL DRIVER'S LICENSE

RCW 46.20.380 Fee.

No person may file an application for an occupational driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of twenty-five dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

[1985 ex.s. c 1 § 6; 1979 c 61 § 12; 1967 c 32 § 31; 1961 c 12 § 46.20.380. Prior: 1957 c 268 § 1.]

Notes:

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.391 Application--Eligibility--Restrictions--Cancellation.

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed either for a violation of RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous.

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation but not more than two years.

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.

(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.

(3) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle, except as allowed under subsection (2)(a) of this section; and

(d) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

[1999 c 274 § 4; 1999 c 272 § 1. Prior: 1998 c 209 § 4; 1998 c 207 § 9; 1995 c 332 § 12; 1994 c 275 § 29; 1985 c 407 § 5; 1983 c 165 § 24; 1983 c 165 § 23; 1983 c 164 § 4; 1979 c 61 § 13; 1973 c 5 § 1.]

Notes:

Reviser's note: This section was amended by 1999 c 272 § 1 and by 1999 c 274 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 272: "This act takes effect January 1, 2000." [1999 c 272 § 3.]

Effective date--1998 c 209: See note following RCW 46.20.308.

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.394 Detailed restrictions--Violation.

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational driver's license under RCW 46.20.391(2)(a)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

[1999 c 272 § 2; 1983 c 165 § 26.]

Notes:

Effective date--1999 c 272: See note following RCW 46.20.391.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.400 Obtaining new driver's license--Surrender of order and occupational driver's license.

If an occupational driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's permit shall be issued to such person until he surrenders his occupational driver's license and his copy of the order and the director is satisfied that he complies with all other provisions of law relative to the issuance of a driver's license.

[1967 c 32 § 33; 1961 c 12 § 46.20.400. Prior: 1957 c 268 § 3.]

RCW 46.20.410 Penalty.

Any person convicted for violation of any restriction of an occupational driver's license

shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

[1967 c 32 § 34; 1961 c 12 § 46.20.410. Prior: 1957 c 268 § 4.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

MOTORCYCLES

RCW 46.20.500 Special endorsement--Exceptions.

No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles. However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped. No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

[1999 c 274 § 8; 1997 c 328 § 3; 1982 c 77 § 1; 1979 ex.s. c 213 § 6; 1967 c 232 § 1.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1982 c 77: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 77 § 10.]

Mopeds

operation and safety standards: RCW 46.61.710, 46.61.720.

registration: RCW 46.16.630.

RCW 46.20.505 Endorsement fees, amount and distribution.

Every person applying for a special endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a fee of two dollars, which is not refundable. In addition, the endorsement fee for the initial motorcycle endorsement shall not exceed ten dollars, and the subsequent renewal endorsement fee shall not exceed twenty-five dollars, unless the endorsement is renewed or extended for a period other than five years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. The initial and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

[2001 c 104 § 1. Prior: 1999 c 308 § 5; 1999 c 274 § 9; 1993 c 115 § 1; 1989 c 203 § 2; 1988 c 227 § 5; 1987 c 454 § 2; 1985 ex.s. c 1 § 8; 1982 c 77 § 2; 1979 c 158 § 153; 1967 ex.s. c 145 § 50.]

NOTES:

Effective date--1999 c 308: See note following RCW 46.20.120.

Severability--1988 c 227: See RCW 46.81A.900.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Severability--1982 c 77: See note following RCW 46.20.500.

Severability--1967 ex.s. c 145: See RCW 47.98.043.

Motorcycle safety education account: RCW 46.68.065.

RCW 46.20.510 Instruction permit--Fee.

(1) **Motorcycle instruction permit.** A person holding a valid driver's license who wishes to learn to ride a motorcycle may apply for a motorcycle instruction permit. The department may issue a motorcycle instruction permit after the applicant has successfully passed all parts of the motorcycle examination other than the driving test. The director shall collect a two dollar and fifty cent fee for the motorcycle instruction permit or renewal, and deposit the fee in the motorcycle safety education account of the highway safety fund.

(2) **Effect of motorcycle instruction permit.** A person holding a motorcycle instruction permit may drive a motorcycle upon the public highways if the person has immediate possession of the permit and a valid driver's license. An individual with a motorcyclist's instruction permit may not carry passengers and may not operate a motorcycle during the hours of darkness.

(3) **Term of motorcycle instruction permit.** A motorcycle instruction permit is valid for ninety days from the date of issue.

(a) The department may issue one additional ninety-day permit.

(b) The department may issue a third motorcycle instruction permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

[1999 c 274 § 10; 1999 c 6 § 25; 1989 c 337 § 9; 1985 ex.s. c 1 § 9; 1985 c 234 § 3; 1982 c 77 § 3.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Severability--1982 c 77: See note following RCW 46.20.500.

RCW 46.20.515 Examination--Emphasis--Waiver.

The motorcycle endorsement examination must emphasize maneuvers necessary for on-street operation, including emergency braking and turning as may be required to avoid an impending collision. The department may waive all or part of the examination for persons who satisfactorily complete the voluntary motorcycle operator training and education program authorized under RCW 46.20.520.

[2001 c 104 § 2; 1999 c 274 § 11; 1982 c 77 § 4.]

NOTES:

Severability--1982 c 77: See note following RCW 46.20.500.

RCW 46.20.520 Training and education program--Advisory board.

(1) The director of licensing shall use moneys designated for the motorcycle safety

education account of the highway safety fund to implement by July 1, 1983, a voluntary motorcycle operator training and education program. The director may contract with public and private entities to implement this program.

(2) There is created a motorcycle safety education advisory board to assist the director of licensing in the development of a motorcycle operator training education program. The board shall monitor this program following implementation and report to the director of licensing as necessary with recommendations including, but not limited to, administration, application, and substance of the motorcycle operator training and education program.

The board shall consist of five members appointed by the director of licensing. Three members of the board, one of whom shall be appointed chairperson, shall be active motorcycle riders or members of nonprofit motorcycle organizations which actively support and promote motorcycle safety education. One member shall be a currently employed Washington state patrol motorcycle officer with at least five years experience and at least one year cumulative experience as a motorcycle officer. One member shall be a member of the public. The term of appointment shall be two years. The board shall meet at the call of the director, but not less than two times annually and not less than five times during its term of appointment, and shall receive no compensation for services but shall be reimbursed for travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The priorities of the program shall be in the following order of priority:

- (a) Public awareness of motorcycle safety.
- (b) Motorcycle safety education programs conducted by public and private entities.
- (c) Classroom and on-cycle training.
- (d) Improved motorcycle operator testing.

[1998 c 245 § 89; 1987 c 454 § 3; 1982 c 77 § 5.]

Notes:

Severability--1982 c 77: See note following RCW 46.20.500.

ALCOHOL DETECTION DEVICES

RCW 46.20.710 Legislative finding.

The legislature finds and declares:

(1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;

(2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;

(3) The installation of an ignition interlock breath alcohol device or other biological or technical device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;

(4) Ignition interlock and other biological and technical devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;

(5) It is economically and technically feasible to have an ignition interlock or other biological or technical device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol.

[1994 c 275 § 21; 1987 c 247 § 1.]

Notes:

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.720 Drivers convicted of alcohol offenses.

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device.

(2) If a person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and it is: (a) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration; or (b) the person's second or subsequent conviction; or (c) the person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction, the court shall order that after any applicable period of suspension, revocation, or denial of driving privileges, the person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device. The requirement to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device may not be suspended. The court may waive the requirement for the use of such a device if the court makes a specific finding in writing that such devices are not reasonably available in the local area. Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.

(3) The court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section, the period of time of the restriction will be as follows:

(a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW, and (ii) who has not previously been restricted under this section, a period of not less than one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of not less than five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period

of not less than ten years.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

[2001 c 247 § 1; 1999 c 331 § 3; 1998 c 210 § 2; 1997 c 229 § 8; 1994 c 275 § 22; 1987 c 247 § 2.]

NOTES:

Effective date--1999 c 331: See note following RCW 9.94A.525.

Short title--1998 c 210: "This act may be known and cited as the Mary Johnsen Act." [1998 c 210 § 1.]

Finding--Intent--1998 c 210: "The legislature finds that driving is a privilege and that the state may restrict that privilege in the interests of public safety. One such reasonable restriction is requiring certain individuals, if they choose to drive, to drive only vehicles equipped with ignition interlock devices. The legislature further finds that the costs of these devices are minimal and are affordable. It is the intent of the legislature that these devices be paid for by the drivers using them and that neither the state nor entities of local government provide any public funding for this purpose." [1998 c 210 § 7.]

Effective date--1998 c 210: "This act takes effect January 1, 1999." [1998 c 210 § 9.]

Effective date--1997 c 229: See note following RCW 10.05.090.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.740 Notation on driving record--Penalty.

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with an ignition interlock or other biological or technical device.

(2) It is a misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.

[2001 c 55 § 1; 1997 c 229 § 10; 1994 c 275 § 24; 1987 c 247 § 4.]

NOTES:

Effective date--1997 c 229: See note following RCW 10.05.090.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.750 Assisting another in starting or operating--Penalty.

A person who knowingly assists another person who is restricted to the use of an ignition interlock or other biological or technical device to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock or other biological or technical device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

[1994 c 275 § 25; 1987 c 247 § 5.]

Notes:

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

MISCELLANEOUS

RCW 46.20.900 Repeal and saving.

Section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, and section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360 are each hereby repealed. Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder.

[1965 ex.s. c 121 § 46.]

RCW 46.20.910 Severability--1965 ex.s. c 121.

If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected.

[1965 ex.s. c 121 § 47.]

RCW 46.20.911 Severability, implied consent law--1969 c 1.

If any provision of RCW 46.20.308, 46.20.311, and 46.61.506 or its application to any person or circumstance is held invalid, the remainder of RCW 46.20.308, 46.20.311, and 46.61.506, or the application of the provision to other persons or circumstances is not affected.

[1990 c 250 § 49; 1969 c 1 § 6 (Initiative Measure No. 242, approved November 5, 1968).]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

**Chapter 46.21 RCW
DRIVER LICENSE COMPACT**

Sections

| | |
|-----------|---|
| 46.21.010 | Compact enacted--Provisions. |
| 46.21.020 | "Licensing authority" defined--Duty to furnish information. |
| 46.21.030 | Expenses of compact administrator. |
| 46.21.040 | "Executive head" defined. |

RCW 46.21.010 Compact enacted--Provisions.

The driver license compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments is hereby entered into and enacted into law, the terms and provisions of which shall be as follows:

DRIVER LICENSE COMPACT

ARTICLE I--Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the over-all compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II--Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III--Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV--Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

- (1) Vehicular homicide;
- (2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;
- (3) Any felony in the commission of which a motor vehicle is used;
- (4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V--Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI--Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII--Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII--Entry into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX--Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The

provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1983 c 164 § 5; 1963 c 120 § 1.]

RCW 46.21.020 "Licensing authority" defined--Duty to furnish information.

As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of licensing. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

[1979 c 158 § 154; 1967 c 32 § 36; 1963 c 120 § 2.]

RCW 46.21.030 Expenses of compact administrator.

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

[1963 c 120 § 3.]

RCW 46.21.040 "Executive head" defined.

As used in the compact, with reference to this state, the term "executive head" shall mean governor.

[1963 c 120 § 4.]

**Chapter 46.23 RCW
NONRESIDENT VIOLATOR COMPACT**

Sections

| | |
|-----------|--|
| 46.23.010 | Compact established--Provisions. |
| 46.23.020 | Reciprocal agreements authorized--Provisions. |
| 46.23.040 | Review of agreement by legislative transportation committee. |
| 46.23.050 | Rules. |

RCW 46.23.010 Compact established--Provisions.

The nonresident violator compact, hereinafter called "the compact," is hereby established in the form substantially as follows, and the Washington state department of licensing is authorized to enter into such compact with all other jurisdictions legally joining therein:

NONRESIDENT VIOLATOR COMPACT

Article I -- Findings, Declaration of Policy, and
Purpose

(a) The party jurisdictions find that:

(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction: Must post collateral or bond to secure appearance for trial at a later date; or if unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or is taken directly to court for his trial to be held.

(2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

(3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to him [his] home jurisdiction and disregard his duty under the terms of the traffic citation.

(4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.

(5) The practice described in paragraph (1) above, causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

(6) The deposit of a driver's license as a bail bond, as described in paragraph (2) above, is viewed with disfavor.

(7) The practices described herein consume an undue amount of law enforcement time.

(b) It is the policy of the party jurisdictions to:

(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining

compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

(c) The purpose of this compact is to:

(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

Article II -- Definitions

As used in the compact, the following words have the meaning indicated, unless the context requires otherwise.

(1) "Citation" means any summons, ticket, notice of infraction, or other official document issued by a police officer for a traffic offense containing an order which requires the motorist to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic offense.

(3) "Court" means a court of law or traffic tribunal.

(4) "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

(10) "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic offense.

(11) "Terms of the citation" means those options expressly stated upon the citation.

Article III -- Procedure for Issuing Jurisdiction

(a) When issuing a citation for a traffic violation or infraction, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall

not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and insofar as practical shall contain information as specified in the compact manual as minimum requirements for effective processing by the home jurisdiction.

(d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content substantially conforming to the compact manual.

(e) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

(f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

(g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

Article IV -- Procedure for Home Jurisdiction

(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded.

(b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the compact manual.

Article V -- Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

Article VI -- Compact Administrator Procedures

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

(b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

(c) The board shall elect annually, from its membership, a chairman and a vice chairman.

(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize, and dispose of the same.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the compact manual.

Article VII -- Entry into Compact and Withdrawal

(a) This compact shall become effective when it has been adopted by at least two jurisdictions.

(b) Entry into the compact shall be made by a resolution of ratification executed by the department of licensing and submitted to the chairman of the board. The resolution shall be in a form and content as provided in the compact manual and shall include statements that in substance are as follows:

(1) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.

(2) Agreement to comply with the terms and provisions of the compact.

(3) That compact entry is with all jurisdictions then party to the compact and with any

jurisdiction that legally becomes a party to the compact.

(c) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than sixty days after notice has been given by the chairman of the board of compact administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

(d) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until ninety days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

Article VIII -- Exceptions

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

Article IX -- Amendments to the Compact

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and may be initiated by one or more party jurisdictions.

(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective thirty days after the date of the last endorsement.

(c) Failure of a party jurisdiction to respond to the compact chairman within one hundred twenty days after receipt of the proposed amendment shall constitute endorsement.

Article X -- Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

Article XI -- Title

This compact shall be known as the nonresident violator compact.

[1982 c 212 § 1.]

RCW 46.23.020 Reciprocal agreements authorized--Provisions.

(1) The Washington state department of licensing is authorized and encouraged to execute a reciprocal agreement with the Canadian province of British Columbia, and with any other state which is not a member of the nonresident violator compact, concerning the rendering of mutual assistance in the disposition of traffic infractions committed by persons licensed in one state or province while in the jurisdiction of the other.

(2) Such agreements shall provide that if a person licensed by either state or province is issued a citation by the other state or province for a moving traffic violation covered by the agreement, he shall not be detained or required to furnish bail or collateral, and that if he fails to comply with the terms of the citation, his license shall be suspended or renewal refused by the state or province that issued the license until the home jurisdiction is notified by the issuing jurisdiction that he has complied with the terms of the citation.

(3) Such agreement shall also provide such terms and procedures as are necessary and proper to facilitate its administration.

[1982 c 212 § 2.]

RCW 46.23.040 Review of agreement by legislative transportation committee.

Before any agreement made pursuant to RCW 46.23.010 or 46.23.020 may be formally executed and become effective, it shall first be submitted for review by the legislative transportation committee.

[1982 c 212 § 4.]

RCW 46.23.050 Rules.

The department shall adopt rules for the administration and enforcement of RCW 46.23.010 and 46.23.020 in accordance with chapter 34.05 RCW.

[1982 c 212 § 6.]

**Chapter 46.25 RCW
UNIFORM COMMERCIAL DRIVER'S LICENSE ACT**

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RCW 46.25.001 Short title.

This chapter may be cited as the Uniform Commercial Driver's License Act.

[1989 c 178 § 1.]

RCW 46.25.005 Purpose--Construction.

(1) The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Title XII, P.L. 99-570, and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:

- (a) Permitting commercial drivers to hold only one license;
- (b) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;
- (c) Strengthening licensing and testing standards.

(2) This chapter is a remedial law and shall be liberally construed to promote the public health, safety, and welfare. To the extent that this chapter conflicts with general driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.

[1989 c 178 § 2.]

RCW 46.25.010 Definitions.

The definitions set forth in this section apply throughout this chapter.

(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means:

(a) The number of grams of alcohol per one hundred milliliters of blood; or

(b) The number of grams of alcohol per two hundred ten liters of breath.

(3) "Commercial driver's license" (CDL) means a license issued in accordance with the requirements of this chapter to an individual that authorizes the individual to drive a class of commercial motor vehicle.

(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to the CMVSA to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Commercial driver's instruction permit" means a permit issued under RCW 46.25.060(4).

(6) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property:

(a) If the vehicle has a gross weight rating of 26,001 or more pounds;

(b) If the vehicle is designed to transport sixteen or more passengers, including the driver;

(c) If the vehicle is transporting hazardous materials and is required to be identified by a placard in accordance with 49 C.F.R. part 172, subpart F; or

(d) If the vehicle is a school bus as defined in RCW 46.04.521 regardless of weight or size.

(7) "Conviction" has the definition set forth in RCW 46.20.270.

(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single or a combination or articulated vehicle, or the registered gross weight, where this value cannot be determined. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units.

(13) "Hazardous materials" has the same meaning found in Section 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.).

(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.

(16) "Serious traffic violation" means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person; and

(d) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

(17) "State" means a state of the United States and the District of Columbia.

(18) "Tank vehicle" means a vehicle that is designed to transport a liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Tank vehicles include, but are not limited to cargo tanks and portable tanks. However, this definition does not include portable tanks having a rated capacity under one thousand gallons.

(19) "United States" means the fifty states and the District of Columbia.

[1996 c 30 § 1; 1989 c 178 § 3.]

Notes:

Effective date--1996 c 30: "This act takes effect October 1, 1996." [1996 c 30 § 5.]

RCW 46.25.020 One license limit.

No person who drives a commercial motor vehicle may have more than one driver's license.

[1989 c 178 § 4.]

RCW 46.25.030 Duties of driver--Notice to department and employer.

(1)(a) A driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control, in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the department in the manner specified by rule of the department within thirty days of the date of conviction.

(b) A driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control in this or any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction.

(c) The notification requirements contained in (a) and (b) of this subsection as they relate to the federal, provincial, territorial, or municipal laws of Canada become effective only when the federal law or federal rules are changed to require the notification or a bilateral or multilateral agreement is entered into between the state of Washington and any Canadian

province implementing essentially the same standards of regulation and penalties of all parties as encompassed in this chapter.

(2) A driver whose driver's license is suspended, revoked, or canceled by a state, who loses the privilege to drive a commercial motor vehicle in a state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify his or her employer of that fact before the end of the business day following the day the driver received notice of that fact.

(3) A person who applies to be a commercial motor vehicle driver shall provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

(a) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(b) The dates between which the applicant drove for each employer; and

(c) The reason for leaving that employer.

The applicant shall certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

[1989 c 178 § 5.]

RCW 46.25.040 Duties of employer.

(1) An employer shall require the applicant to provide the information specified in RCW 46.25.030(3).

(2) No employer may knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period:

(a) In which the driver has a driver's license suspended, revoked, or canceled by a state, has lost the privilege to drive a commercial motor vehicle in a state, or has been disqualified from driving a commercial motor vehicle; or

(b) In which the driver has more than one driver's license.

[1989 c 178 § 6.]

RCW 46.25.050 Commercial driver's license required--Exceptions, restrictions.

(1) Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992, except when driving under a commercial driver's instruction permit and a valid automobile or classified license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, which in this section include Christmas trees and wood products harvested from private tree farms and transported by vehicles weighing no more than forty thousand pounds licensed gross vehicle weight, farm machinery, farm supplies, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; or

(b) Who is a fire fighter or law enforcement officer operating emergency equipment, and:

(i) The fire fighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The fire fighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1).

[1995 c 393 § 1; 1990 c 56 § 1; 1989 c 178 § 7.]

RCW 46.25.060 Knowledge and skills test--Instruction permit.

(1)(a) No person may be issued a commercial driver's license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. part 383, subparts G and H, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests must be prescribed and conducted by the department. In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars for each classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than fifty dollars for each classified skill examination or combination of classified skill examinations conducted by the department.

(b) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section under the following conditions:

(i) The test is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. part 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(2) The department may waive the skills test specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. part 383.77.

(3) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(4)(a) A commercial driver's instruction permit may be issued to an individual who holds a valid automobile or classified driver's license.

(b) A commercial driver's instruction permit may not be issued for a period to exceed six months. Only one renewal or reissuance may be granted within a two-year period. The holder of a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. An application for a commercial driver's instruction permit shall be accompanied by a fee of five dollars. The department shall forthwith transmit the fees collected for commercial driver's instruction permits to the state treasurer.

[1989 c 178 § 8.]

RCW 46.25.070 Application--Change of address--Residency.

(1) The application for a commercial driver's license or commercial driver's instruction permit must include the following:

- (a) The full name and current mailing and residential address of the person;
- (b) A physical description of the person, including sex, height, weight, and eye color;
- (c) Date of birth;
- (d) The applicant's Social Security number;
- (e) The person's signature;
- (f) Certifications including those required by 49 C.F.R. part 383.71(a);
- (g) Proof of certification of physical examination or waiver, as required by 49 C.F.R. 391.41 through 391.49;
- (h) Any other information required by the department; and
- (i) A consent to release driving record information to parties identified in chapter 46.52 RCW and this chapter.

(2) When a licensee changes his or her name, mailing address, or residence address, the person shall notify the department as provided in RCW 46.20.205.

(3) No person who has been a resident of this state for thirty days may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

[1991 c 73 § 2; 1989 c 178 § 9.]

RCW 46.25.080 License contents, classifications, endorsements, restrictions, expiration--Exchange of information.

(1) The commercial driver's license must be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamperproof. It must include, but not be limited to, the following information:

- (a) The name and residence address of the person;
- (b) The person's color photograph;
- (c) A physical description of the person including sex, height, weight, and eye color;
- (d) Date of birth;
- (e) The person's Social Security number or any number or identifier deemed appropriate by the department;
- (f) The person's signature;
- (g) The class or type of commercial motor vehicle or vehicles that the person is authorized to drive, together with any endorsements or restrictions;
- (h) The name of the state; and
- (i) The dates between which the license is valid.

(2) Commercial driver's licenses may be issued with the classifications, endorsements, and restrictions set forth in this subsection. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles and vehicles that require an endorsement, unless the proper endorsement appears on the license.

- (a) Licenses may be classified as follows:
 - (i) Class A is a combination of vehicles with a gross combined weight rating (GCWR) of 26,001 pounds or more, if the GVWR of the vehicle being towed is in excess of 10,000 pounds.
 - (ii) Class B is a single vehicle with a GVWR of 26,001 pounds or more, and any such vehicle towing a vehicle not in excess of 10,000 pounds.
 - (iii) Class C is a single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds consisting of:
 - (A) Vehicles designed to transport sixteen or more passengers, including the driver; or
 - (B) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F.
- (b) The following endorsements and restrictions may be placed on a license:
 - (i) "H" authorizes the driver to drive a vehicle transporting hazardous materials.
 - (ii) "K" restricts the driver to vehicles not equipped with air brakes.
 - (iii) "T" authorizes driving double and triple trailers.
 - (iv) "P1" authorizes driving all vehicles carrying passengers.
 - (v) "P2" authorizes driving vehicles with a GVWR of less than 26,001 pounds carrying sixteen or more passengers, including the driver.
 - (vi) "N" authorizes driving tank vehicles.
 - (vii) "X" represents a combination of hazardous materials and tank vehicle endorsements.

The license may be issued with additional endorsements and restrictions as established by rule of the director.

(3) All school bus drivers must have either a "P1" or "P2" endorsement depending on the GVWR of the school bus being driven.

(4) Before issuing a commercial driver's license, the department shall obtain driving record information through the commercial driver's license information system, the national driver register, and from the current state of record.

(5) Within ten days after issuing a commercial driver's license, the department must notify the commercial driver's license information system of that fact, and provide all information required to ensure identification of the person.

(6) A commercial driver's license shall expire in the same manner as provided in RCW 46.20.181.

(7) When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by RCW 46.25.070(1), providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the applicant shall take and pass the written test for a hazardous materials endorsement.

[1996 c 30 § 2; 1989 c 178 § 10.]

Notes:

Effective date--1996 c 30: See note following RCW 46.25.010.

RCW 46.25.090 Disqualification--Grounds for, period of--Records, notice.

(1) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if a report has been received by the department pursuant to RCW 46.25.120, or if the person has been convicted of a first violation, within this or any other jurisdiction, of:

- (a) Driving a commercial motor vehicle under the influence of alcohol or any drug;
- (b) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;
- (c) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;
- (d) Using a commercial motor vehicle in the commission of a felony;
- (e) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle.

If any of the violations set forth in this subsection occurred while transporting a hazardous material required to be identified by a placard, the person is disqualified for a period of not less than three years.

(2) A person is disqualified for life if it has been determined that the person has committed or has been convicted of two or more violations of any of the offenses specified in subsection (1) of this section, or any combination of those offenses, arising from two or more separate incidents. Only offenses committed after October 1, 1989, may be considered in applying this subsection.

(3) The department may adopt rules, in accordance with federal regulations, establishing guidelines, including conditions, under which a disqualification for life under subsection (2) of this section may be reduced to a period of not less than ten years.

(4) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, as defined by chapter 69.50 RCW, or possession with intent to manufacture, distribute, or dispense a controlled substance, as defined by chapter 69.50 RCW.

(5) A person is disqualified from driving a commercial motor vehicle for a period of not less than sixty days if convicted of or found to have committed two serious traffic violations, or one hundred twenty days if convicted of or found to have committed three serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

(6) A person is disqualified from driving a commercial motor vehicle for a period of:

(a) Not less than ninety days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order;

(b) Not less than one year nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed two violations of out-of-service orders in separate incidents;

(c) Not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed three or more violations of out-of-service orders in separate incidents;

(d) Not less than one hundred eighty days nor more than two years if the person is convicted of or is found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. Sec. 1801-1813), or while operating motor vehicles designed to transport sixteen or more passengers, including the driver. A person is disqualified for a period of not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver.

(7) Within ten days after suspending, revoking, or canceling a commercial driver's license, the department shall update its records to reflect that action. After suspending, revoking, or canceling a nonresident commercial driver's privileges, the department shall notify the licensing authority of the state that issued the commercial driver's license.

[1996 c 30 § 3; 1989 c 178 § 11.]

Notes:

Effective date--1996 c 30: See note following RCW 46.25.010.

RCW 46.25.100 Restoration after disqualification.

When a person has been disqualified from operating a commercial motor vehicle, the person is not entitled to have the commercial driver's license restored until after the expiration of the appropriate disqualification period required under RCW 46.25.090. After expiration of the appropriate period and upon payment of a requalification fee of twenty dollars, the person may apply for a new, duplicate, or renewal commercial driver's license as provided by law. If the person has been disqualified for a period of one year or more, the person shall demonstrate that he or she meets the commercial driver's license qualification standards specified in RCW 46.25.060.

[1989 c 178 § 12.]

RCW 46.25.110 Driving with alcohol in system.

(1) Notwithstanding any other provision of Title 46 RCW, a person may not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol in his or her system.

(2) Law enforcement or appropriate officials shall issue an out-of-service order valid for twenty-four hours against a person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol in his or her system or who refuses to take a test to determine his or her alcohol content as provided by RCW 46.25.120.

[1989 c 178 § 13.]

RCW 46.25.120 Test for alcohol or drugs--Disqualification for refusal of test or positive test.

(1) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to take a test or tests of that person's blood or breath for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(2) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system.

(3) The law enforcement officer requesting the test under subsection (1) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.

(4) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 or more.

(5) Upon receipt of the sworn report of a law enforcement officer under subsection (4) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the

hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle within this state while having alcohol in the person's system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the disqualification of the person from driving a commercial motor vehicle, and, if the test was administered, whether the results indicated an alcohol concentration of 0.04 percent or more. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

[1998 c 41 § 6; 1990 c 250 § 50; 1989 c 178 § 14.]

Notes:

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.25.130 Report of violation by nonresident.

Within ten days after receiving a report of the conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the department shall notify the driver licensing authority in the licensing state of the conviction.

[1989 c 178 § 15.]

RCW 46.25.140 Rules.

The department may adopt rules necessary to carry out this chapter.

[1989 c 178 § 16.]

RCW 46.25.150 Agreements to carry out chapter.

The department may enter into or make agreements, arrangements, or declarations to carry out this chapter.

[1989 c 178 § 17.]

RCW 46.25.160 Licenses issued by other states.

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver's license or commercial driver's instruction permit issued by any state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses or permits, if the person's license or permit is not suspended, revoked, or canceled, and if the person is not disqualified from driving a commercial motor vehicle or is subject to an out-of-service order.

[1989 c 178 § 18.]

RCW 46.25.170 Civil and criminal penalties.

(1) A person subject to RCW 81.04.405 who is determined by the utilities and transportation commission, after notice, to have committed an act that is in violation of RCW 46.25.020, 46.25.030, 46.25.040, 46.25.050, or 46.25.110 is liable to Washington state for the civil penalties provided for in RCW 81.04.405.

(2) A person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of RCW 46.25.020, 46.25.030, 46.25.040, 46.25.050, or 46.25.110 is guilty of a gross misdemeanor.

[1989 c 178 § 19.]

RCW 46.25.900 Severability--1989 c 178.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 c 178 § 30.]

RCW 46.25.901 Effective dates--1989 c 178.

Sections 25, 26, 28, and 32 of this act shall take effect on April 1, 1992. The remainder of this act shall take effect on October 1, 1989. The director of licensing may immediately take such steps as are necessary to insure that all sections of this act are implemented on their respective effective dates.

[1989 c 178 § 33.]

**Chapter 46.29 RCW
FINANCIAL RESPONSIBILITY**

Sections

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ADMINISTRATION

RCW 46.29.010 Purpose.

It is the purpose of this chapter to adopt in substance the provisions of the uniform vehicle code relating to financial responsibility in order to achieve greater uniformity with the laws of other states and thereby reduce the conflicts in laws confronting motorists as they travel between states.

[1963 c 169 § 1.]

RCW 46.29.020 Definitions.

(1) The term "owner" as used in this chapter shall mean registered owner as defined in

RCW 46.04.460.

(2) The term "registration" as used in this chapter shall mean the certificate of license registration issued under the laws of this state.

[1963 c 169 § 2.]

RCW 46.29.030 Director to administer chapter.

(1) The director shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

(2) The director shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

[1963 c 169 § 3.]

RCW 46.29.040 Court review.

Any order of the director under the provisions of this chapter shall be subject to review, at the instance of any party in interest, by appeal to the superior court of Thurston county, or at his option to the superior court of the county of his residence. The scope of such review shall be limited to that prescribed by RCW 7.16.120 governing review by certiorari. Notice of appeal must be filed within thirty days after service of the notice of such order. The court shall determine whether the filing of the appeal shall operate as a stay of any such order of the director. Upon the filing the notice of appeal the court shall issue an order to the director to show cause why the order should not be reversed or modified. The order to show cause shall be returnable not less than ten nor more than thirty days after the date of service thereof upon the director. The court after hearing the matter may modify, affirm or reverse the order of the director in whole or in part.

[1998 c 41 § 7; 1963 c 169 § 4.]

Notes:

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

RCW 46.29.050 Furnishing driving record and evidence of ability to respond in damages--Fees.

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the person has committed a traffic infraction which have been reported to the department, and a record of any vehicles registered in the name of the person.

The department shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

[1987 1st ex.s. c 9 § 1; 1985 ex.s. c 1 § 10; 1979 ex.s. c 136 § 63; 1969 ex.s. c 40 § 1; 1967 c 174 § 1; 1963 c 169 § 5.]

Notes:

Severability--1987 1st ex.s. c 9: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 1st ex.s. c 9 § 11.]

Effective date--1987 1st ex.s. c 9: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 1st ex.s. c 9 § 12.]

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective date--1967 c 174: "Sections 1, 2, 3 and 4 of this amendatory act shall become effective July 1, 1967." [1967 c 174 § 7.]

Abstract of driving record furnished to insurance company: RCW 46.52.130.

SECURITY FOLLOWING ACCIDENT

RCW 46.29.060 Application of sections requiring deposit of security and suspensions for failure to deposit security.

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the director. The director shall adopt rules establishing the property damage threshold at which the provisions of this chapter apply with respect to the deposit of security and suspensions for failure to deposit security. Beginning October 1, 1987, the property damage threshold shall be five hundred dollars. The thresholds shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision and by the threshold established by the chief of the Washington state patrol for the filing of accident reports as provided in RCW 46.52.030.

[1987 c 463 § 1; 1977 ex.s. c 369 § 1; 1971 ex.s. c 22 § 2; 1963 c 169 § 6.]

RCW 46.29.070 Department to determine amount of security required--Notices.

(1) The department, not less than twenty days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

(2) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within one hundred eighty days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then the department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(3) The department after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided not less than twenty days and not more than sixty days after the sending of such notice unless within said time security be deposited as required by said notice.

[1981 c 309 § 1; 1979 c 78 § 1; 1963 c 169 § 7.]

Notes:

Proof of financial security for the future required in addition to security after accident: RCW 46.29.420.

RCW 46.29.080 Exceptions as to requirement of security.

The requirements as to security and suspension in this chapter shall not apply:

(1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this subsection if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;

(2) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;

(3) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond as to which there is a

bona fide dispute concerning coverage of such driver as evidenced by the pendency of litigation seeking a declaration of said driver's coverage under such policy or bond;

(4) To the driver, whether or not the owner, if there is a bona fide claim on the part of the driver that there was in effect at the time of the accident, an automobile liability policy or bond insuring or covering such driver;

(5) To any person qualifying as a self-insurer under RCW 46.29.630 or to any person operating a vehicle for such self-insurer;

(6) To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

(7) To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(8) To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission, except if the vehicle was operated by his minor child or spouse;

(9) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or

(10) To the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle.

[1965 c 124 § 1; 1963 c 169 § 8.]

RCW 46.29.090 Requirements as to policy or bond.

(1) No policy or bond is effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than ten thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond is effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it executes a power of attorney authorizing the director of licensing to accept service on its behalf of notice or

process in any action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

[1980 c 117 § 3; 1979 c 158 § 155; 1967 ex.s. c 3 § 1; 1963 c 169 § 9.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: "This amendatory act shall take effect on July 1, 1968." [1967 ex.s. c 3 § 6.]

RCW 46.29.100 Form and amount of security.

(1) The security required under this chapter shall be in such form and in such amount as the department may require, but in no case in excess of the limits specified in RCW 46.29.090 in reference to the acceptable limits of a policy or bond.

(2) Every depositor of security shall designate in writing every person in whose name such deposit is made and may at any time change such designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

[1963 c 169 § 10.]

RCW 46.29.110 Failure to deposit security--Suspensions.

If a person required to deposit security under this chapter fails to deposit such security within sixty days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

(1) The driver's license of each driver in any manner involved in the accident;

(2) The driver's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in the accident;

(3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state.

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding sections of this chapter.

[1990 c 250 § 51; 1987 c 378 § 1; 1967 c 32 § 37; 1963 c 169 § 11.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.29.120 Release from liability.

(1) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he is released

from liability by such other person.

(2) In the event the department has evaluated the injuries or damage to any minor the department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of such minor without the approval of any court or judge.

[1965 c 124 § 2; 1963 c 169 § 12.]

RCW 46.29.130 Adjudication of nonliability.

A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim.

[1963 c 169 § 13.]

RCW 46.29.140 Agreements for payment of damages.

(1) Any two or more of the persons involved in or affected by an accident as described in RCW 46.29.060 may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury to or death or property damage arising from such accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the department.

(2) The department, to the extent provided by any such written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the department shall immediately return such security to the depositor or his personal representative.

(3) In the event of a default in any payment under such agreement and upon notice of such default the department shall take action suspending the license of such person in default as would be appropriate in the event of failure of such person to deposit security when required under this chapter.

(4) Such suspension shall remain in effect and such license shall not be restored unless and until:

(a) Security is deposited as required under this chapter in such amount as the department may then determine,

(b) When, following any such default and suspension, the person in default has paid the balance of the agreed amount,

(c) When, following any such default and suspension, the person in default has resumed installment payments under an agreement acceptable to the creditor, or

(d) Three years have elapsed following the accident and evidence satisfactory to the department has been filed with it that during such period no action at law upon such agreement has been instituted and is pending.

[1981 c 309 § 2; 1963 c 169 § 14.]

RCW 46.29.150 Payment upon judgment.

The payment of a judgment arising out of an accident or the payment upon such judgment of an amount equal to the maximum amount which could be required for deposit under this chapter shall, for the purposes of this chapter, release the judgment debtor from the liability evidenced by such judgment.

[1963 c 169 § 15.]

RCW 46.29.160 Termination of security requirement.

The department, if satisfied as to the existence of any fact which under RCW 46.29.120, 46.29.130, 46.29.140 or 46.29.150 would entitle a person to be relieved from the security requirements of this chapter, shall not require the deposit of security by the person so relieved from such requirement, or if security has previously been deposited by such person, the department shall immediately return such deposit to such person or to his personal representative.

[1963 c 169 § 16.]

RCW 46.29.170 Duration of suspension.

Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the department under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended until:

(1) Such person shall deposit or there shall be deposited on his behalf the security required under this chapter, or

(2) Three years have elapsed following the date of the accident resulting in such suspension and evidence satisfactory to the department has been filed with it that during such period no action for damages arising out of the accident resulting in such suspension has been instituted.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or, if filed, that it is not still pending shall be prima facie evidence of that fact. The department may take whatever steps are necessary to verify the statement set forth in any said affidavit.

[1981 c 309 § 3; 1963 c 169 § 17.]

RCW 46.29.180 Application to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states.

(1) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this state involved in an accident within this state has no driver's license in this state, then such driver shall not be allowed a driver's license until he has complied with the requirements of

this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in this state.

(2) When a nonresident's driving privilege is suspended pursuant to RCW 46.29.110, the department shall transmit a certified copy of the record or abstract of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provided for action in relation thereto similar to that provided for in subsection (3) of this section.

(3) Upon receipt of such certification that the driving privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the department to suspend a nonresident's driving privilege had the accident occurred in this state, the department shall suspend the license of such resident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.

[1967 c 32 § 38; 1963 c 169 § 18.]

RCW 46.29.190 Authority of department to decrease amount of security.

The department may reduce the amount of security ordered in any case if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith.

[1965 c 124 § 3; 1963 c 169 § 19.]

RCW 46.29.200 Correction of action by department.

Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, then upon receiving correct information within three years after the date of an accident the department shall take appropriate action to carry out the purposes and effect of this chapter. The foregoing, however, shall not be deemed to require the department to reevaluate the amount of any deposit required under this chapter.

[1967 c 61 § 1; 1965 c 124 § 4; 1963 c 169 § 20.]

RCW 46.29.210 Custody of security.

The department shall place any security deposited with it under this chapter in the custody of the state treasurer.

[1963 c 169 § 21.]

RCW 46.29.220 Disposition of security.

(1) Such security shall be applicable and available only:

(a) For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or

(b) For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than three years after the date of the accident.

(2) Every distribution of funds from the security deposits shall be subject to the limits of the department's evaluation on behalf of a claimant.

[1981 c 309 § 4; 1963 c 169 § 22.]

RCW 46.29.230 Return of deposit.

Upon the expiration of three years from the date of the accident resulting in the security requirement, any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the department has been filed with it:

(1) That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

(2) That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return.

[1981 c 309 § 5; 1963 c 169 § 23.]

RCW 46.29.240 Certain matters not evidence in civil suits.

The report required following an accident, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, and the security filed as provided in this chapter, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

[1963 c 169 § 24.]

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

RCW 46.29.250 Application of sections requiring deposit of proof of financial responsibility for the future.

The provisions of this chapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been

convicted of or forfeited bail for certain offenses under motor vehicle laws, or who have failed to pay judgments upon causes of action arising out of ownership, maintenance or use of vehicles of a type subject to registration under the laws of this state, or who having driven or owned a vehicle involved in an accident are required to deposit security under the provisions of RCW 46.29.070.

[1963 c 169 § 25.]

RCW 46.29.260 Meaning of "proof of financial responsibility for the future."

The term "proof of financial responsibility for the future" as used in this chapter means: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a vehicle of a type subject to registration under the laws of this state, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ten thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future."

[1980 c 117 § 4; 1967 ex.s. c 3 § 2; 1963 c 169 § 26.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: See note following RCW 46.29.090.

RCW 46.29.270 Meaning of "judgment" and "state."

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

(1) The term "judgment" shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages. The first page of a judgment must include a judgment summary that states damages are awarded under this section and the clerk of the court must give notice as outlined in RCW 46.29.310.

(2) The term "state" shall mean: Any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

[1999 c 296 § 2; 1963 c 169 § 27.]

RCW 46.29.280 Suspension continues until proof furnished.

Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction, forfeiture of bail, or finding that a traffic infraction has been committed, the suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. Upon receiving notice of the termination or cancellation of proof of financial responsibility for the future, the department shall resuspend or rerevoke the person's driving privilege until the person again gives and thereafter maintains proof of financial responsibility for the future.

[1985 c 157 § 1; 1979 ex.s. c 136 § 64; 1963 c 169 § 28.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.29.290 Action in respect to unlicensed person.

If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, no license shall be thereafter issued to such person unless he shall give and thereafter maintain proof of financial responsibility for the future.

[1965 c 124 § 5; 1963 c 169 § 29.]

RCW 46.29.300 Action in respect to nonresidents.

Whenever the department suspends or revokes a nonresident's driving privilege by reason of a conviction, forfeiture of bail, or finding that a traffic infraction has been committed such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

[1979 ex.s. c 136 § 65; 1967 c 32 § 39; 1963 c 169 § 30.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.29.310 When courts to report nonpayment of judgments.

Whenever any person fails within thirty days to satisfy any judgment, then it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward immediately to the department the following:

- (1) A certified copy or abstract of such judgment;
- (2) A certificate of facts relative to such judgment;
- (3) Where the judgment is by default, a certified copy or abstract of that portion of the record which indicates the manner in which service of summons was effectuated and all the measures taken to provide the defendant with timely and actual notice of the suit against him.

[1969 ex.s. c 44 § 1; 1963 c 169 § 31.]

RCW 46.29.320 Further action with respect to nonresidents.

If the defendant named in any certified copy or abstract of a judgment reported to the department is a nonresident, the department shall transmit those certificates furnished to it under RCW 46.29.310 to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident.

[1969 ex.s. c 44 § 2; 1963 c 169 § 32.]

RCW 46.29.330 Suspension for nonpayment of judgments.

The department upon receipt of the certificates provided for by RCW 46.29.310, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, except as otherwise provided in this chapter.

[1990 c 250 § 52; 1969 ex.s. c 44 § 3; 1967 c 32 § 40; 1963 c 169 § 33.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.29.340 Exception in relation to government vehicles.

The provisions of RCW 46.29.330 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state or any political subdivision of this state or a municipality thereof.

[1963 c 169 § 34.]

RCW 46.29.350 Exception when consent granted by judgment creditor.

If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed a license or nonresident's driving privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in RCW 46.29.400, provided the judgment debtor furnishes proof of financial responsibility.

[1967 c 32 § 41; 1963 c 169 § 35.]

RCW 46.29.360 Exception when insurer liable.

No license or nonresident's driving privilege of any person shall be suspended under the

provisions of this chapter if the department shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid such judgment for any reason. A finding by the department that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. If the department finds that no insurer is obligated to pay such a judgment, the judgment debtor may file with the department a written notice of his intention to contest such finding by an action in the superior court. In such a case the license or the nonresident's driving privilege of such judgment debtor shall not be suspended by the department under the provisions of this chapter for thirty days from the receipt of such notice nor during the pendency of any judicial proceedings brought in good faith to determine the liability of an insurer so long as the proceedings are being diligently prosecuted to final judgment by such judgment debtor. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay any such judgment, the department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, as provided in RCW 46.29.330.

[1967 c 32 § 42; 1963 c 169 § 36.]

RCW 46.29.370 Suspension continues until judgments paid and proof given.

Such license and nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in RCW 46.29.350, 46.29.360 and 46.29.400.

[1967 c 32 § 43; 1963 c 169 § 37.]

RCW 46.29.390 Payments sufficient to satisfy requirements.

(1) Judgments herein referred to are, for the purpose of this chapter only, deemed satisfied:

(a) When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of twenty-five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(2) Payments made in settlements of any claims because of bodily injury, death, or

property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

[1980 c 117 § 5; 1979 c 61 § 14; 1967 ex.s. c 3 § 3; 1963 c 169 § 39.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: See note following RCW 46.29.090.

RCW 46.29.400 Installment payment of judgments--Default.

(1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(2) The department shall not suspend a license or nonresident's driving privilege, and shall restore any license or nonresident's driving privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtain such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default.

[1967 c 32 § 44; 1963 c 169 § 40.]

RCW 46.29.410 Action if breach of agreement.

In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's driving privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter.

[1967 c 32 § 45; 1963 c 169 § 41.]

RCW 46.29.420 Proof required in addition to deposit of security after accident.

Any person required to deposit security under RCW 46.29.070, for the benefit or protection of another person injured or damaged in an accident, shall in addition be required to give proof of financial responsibility for the future. The department shall give written notice of such additional requirement to every such person at the time and in the manner provided in RCW 46.29.070 for giving notice of the requirement for security.

[1963 c 169 § 42.]

RCW 46.29.430 Additional proof required--Suspension or revocation for failure to give proof.

If a person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within sixty days after the department has sent notice as hereinbefore

provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of the person.

[1990 c 250 § 53; 1987 c 371 § 1; 1967 c 32 § 46; 1963 c 169 § 43.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.29.440 Additional proof required--Suspension to continue until proof given and maintained.

Such license or nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person or may issue a new license containing such restrictions.

[1967 c 32 § 47; 1965 c 124 § 6; 1963 c 169 § 44.]

RCW 46.29.450 Alternate methods of giving proof.

Proof of financial responsibility when required under this chapter, with respect to such a vehicle or with respect to a person who is not the owner of such a vehicle, may be given by filing:

- (1) A certificate of insurance as provided in RCW 46.29.460 or 46.29.470;
- (2) A bond as provided in RCW 46.29.520;
- (3) A certificate of deposit of money or securities as provided in RCW 46.29.550; or
- (4) A certificate of self-insurance, as provided in RCW 46.29.630, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer.

[1963 c 169 § 45.]

RCW 46.29.460 Certificate of insurance as proof.

Proof of financial responsibility for the future may be furnished by filing with the department the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

[1963 c 169 § 46.]

RCW 46.29.470 Certificate furnished by nonresident as proof.

A nonresident may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the vehicle, or vehicles, owned by such nonresident is registered, or in the state in which such nonresident resides, if he does not own a vehicle, provided such certificate otherwise conforms with the provisions of this chapter, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(1) Said insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued therein.

[1963 c 169 § 47.]

RCW 46.29.480 Default by nonresident insurer.

If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

[1963 c 169 § 48.]

RCW 46.29.490 "Motor vehicle liability policy" defined.

(1) Certification. A "motor vehicle liability policy" as said term is used in this chapter means an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in RCW 46.29.460 or 46.29.470 as proof of financial responsibility for the future, and issued, except as otherwise provided in RCW 46.29.470, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named in the policy as insured.

(2) Owner's policy. Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is to be granted by the policy; and

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such vehicle or vehicles within the United States of America or the Dominion of Canada,

subject to limits exclusive of interest and costs, with respect to each such vehicle as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ten thousand dollars because of injury to or destruction of property of others in any one accident.

(3) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided under the policy in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) Policy need not insure workers' compensation, etc. Such motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(6) Provisions incorporated in policy. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy defeats or voids said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitutes the entire contract between the parties.

(7) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and such excess or additional

coverage is not subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" applies only to that part of the coverage which is required by this section.

(8) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(9) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.

(11) Binders. Any binder issued pending the issuance of a motor vehicle liability policy is deemed to fulfill the requirements for such a policy.

[1980 c 117 § 6; 1967 ex.s. c 3 § 4; 1963 c 169 § 49.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: See note following RCW 46.29.090.

RCW 46.29.500 Notice of cancellation or termination of certified policy.

When an insurance carrier has certified a motor vehicle liability policy under RCW 46.29.460 or 46.29.470 the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates.

[1963 c 169 § 50.]

RCW 46.29.510 Chapter not to affect other policies.

(1) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(2) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of vehicles not owned by the insured.

[1963 c 169 § 51.]

RCW 46.29.520 Bond as proof.

Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of the superior court, which said bond shall be conditioned for payment of the amounts specified in RCW 46.29.260. Such bond shall be filed with the department and shall not be cancellable except after ten days written notice to the department.

[1963 c 169 § 52.]

RCW 46.29.530 When bond constitutes a lien.

Before a bond with individual sureties is accepted by the department it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate scheduled in such bond is located. Such bond shall constitute a lien from the date of such recording in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such bond was filed.

[1963 c 169 § 53.]

RCW 46.29.540 Action on bond.

If a judgment, rendered against the principal on any bond described in RCW 46.29.520, shall not be satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. Such an action to foreclose a lien shall be prosecuted in the same manner as an action to foreclose a mortgage on real estate.

[1963 c 169 § 54.]

RCW 46.29.550 Money or securities as proof.

Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him sixty thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of sixty thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where

the depositor resides.

[1980 c 117 § 7; 1967 ex.s. c 3 § 5; 1963 c 169 § 55.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: See note following RCW 46.29.090.

RCW 46.29.560 Application of deposit.

Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. Any interest or other income accruing to such money or securities, so deposited, shall be paid by the state treasurer to the depositor, or his order, as received.

[1963 c 169 § 56.]

RCW 46.29.570 Owner may give proof for others.

The owner of a motor vehicle may give proof of financial responsibility on behalf of his employee or a member of his immediate family or household in lieu of the furnishing of proof by any said person. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person, or may issue a new license containing such restrictions.

[1963 c 169 § 57.]

RCW 46.29.580 Substitution of proof.

The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

[1963 c 169 § 58.]

RCW 46.29.590 Other proof required, when.

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and

registration pending the filing of such other proof.

[1963 c 169 § 59.]

RCW 46.29.600 Duration of proof--When proof may be canceled or returned.

(1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction, forfeiture of bail, or finding that a traffic infraction has been committed which would require or permit the suspension or revocation of the license of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subdivision (1)(c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

[1979 ex.s. c 136 § 66; 1963 c 169 § 60.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

VIOLATIONS

RCW 46.29.605 Suspension of registration, notice--Surrender of license plates--Penalties.

(1) Whenever the involvement in a motor vehicle accident in this state results in the

driving privilege of a person being suspended for failure to pay a judgment or deposit security, the department shall suspend the Washington registration of the motor vehicle if the person driving at the time of the accident was also the registered owner of the motor vehicle.

(2) A notice of suspension shall be mailed by first class mail to the owner's last known address of record in the department and shall be effective notwithstanding the owner's failure to receive the notice.

(3) Upon suspension of the registration of a motor vehicle, the registered owner shall surrender all vehicle license plates registered to the vehicle. The department shall destroy the license plates and, upon reinstatement of the registration, shall issue new vehicle license plates as provided in RCW 46.16.270.

(4) Failure to surrender license plates under subsection (3) of this section is a misdemeanor punishable by imprisonment for not less than one day nor more than five days and by a fine of not less than fifty dollars nor more than two hundred fifty dollars.

(5) No vehicle license plates or certificate of ownership or registration for a motor vehicle may be issued and no vehicle license may be renewed during the time the registration of the motor vehicle is suspended.

(6) Any person who operates a vehicle in this state while the registration of the vehicle is suspended is guilty of a gross misdemeanor and upon conviction thereof shall be imprisoned for not less than two days nor more than five days and fined not less than one hundred dollars nor more than five hundred dollars.

[1981 c 309 § 6.]

RCW 46.29.610 Surrender of license--Penalty.

(1) Any person whose license shall have been suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall immediately return the license to the department.

(2) Any person willfully failing to return a license as required in subsection (1) of this section is guilty of a misdemeanor.

[1990 c 250 § 54; 1963 c 169 § 61.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.29.620 Forged proof--Penalty.

Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a gross misdemeanor.

[1963 c 169 § 62.]

Notes:

Rules of court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

MISCELLANEOUS

RCW 46.29.630 Self-insurers.

(1) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(3) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

[1963 c 169 § 63.]

RCW 46.29.640 Chapter not to prevent other process.

Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

[1963 c 169 § 64.]

RCW 46.29.900 Construction--1963 c 169.

RCW 46.29.010 through 46.29.640 shall be codified as a single chapter of the Revised Code of Washington. RCW 46.29.010 through 46.29.050 shall be captioned "ADMINISTRATION." RCW 46.29.060 through 46.29.240 shall be captioned "SECURITY FOLLOWING ACCIDENT." RCW 46.29.250 through 46.29.600 shall be captioned "PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE." RCW 46.29.610 through 46.29.620 shall be captioned "VIOLATIONS OF THIS CHAPTER." RCW 46.29.630 through 46.29.640 shall be captioned "MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY." Such captions and subsection headings, as used in this chapter, do not constitute any part of the law.

[1963 c 169 § 67.]

RCW 46.29.910 Severability--1963 c 169.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1963 c 169 § 68.]

RCW 46.29.920 Repeals and saving.

Sections 46.24.010 through 46.24.910 and sections 46.28.010 through 46.28.200, chapter 12, Laws of 1961 and RCW 46.24.010 through 46.24.910 and RCW 46.28.010 through 46.28.200 are each repealed.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder.

[1963 c 169 § 69.]

**Chapter 46.30 RCW
MANDATORY LIABILITY INSURANCE**

Sections

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| 46.30.020 | Liability insurance or other financial responsibility required--Violations--Exceptions. |
| 46.30.030 | Insurance identification card. |
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| 46.30.900 | Severability--1989 c 353. |
| 46.30.901 | Effective date--1989 c 353. |

RCW 46.30.010 Legislative intent.

It is a privilege granted by the state to operate a motor vehicle upon the highways of this state. The legislature recognizes the threat that uninsured drivers are to the people of the state. In order to alleviate the threat posed by uninsured drivers it is the intent of the legislature to require that all persons driving vehicles registered in this state satisfy the financial responsibility requirements of this chapter. By enactment of this chapter it is not the intent of the legislature to modify, amend, or invalidate existing insurance contract terms, conditions, limitations, or exclusions or to preclude insurance companies from using similar terms, conditions, limitations, or exclusions in future contracts.

[1989 c 353 § 1.]

RCW 46.30.020 Liability insurance or other financial responsibility required--Violations--Exceptions.

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community service.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

[1991 sp.s. c 25 § 1; 1991 c 339 § 24; 1989 c 353 § 2.]

Notes:

Notice of liability insurance requirement: RCW 46.16.212.

RCW 46.30.030 Insurance identification card.

(1) Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policyholder with an identification card as specified by the department of licensing. At the policyholder's request, the insurer shall provide the policyholder a card for each vehicle covered under the policy.

(2) The department of licensing shall adopt rules specifying the type, style, and content of insurance identification cards to be used for proof of compliance with RCW 46.30.020, including the method for issuance of such identification cards by persons or organizations providing proof of compliance through self-insurance, certificate of deposit, or bond. In adopting such rules the department shall consider the guidelines for insurance identification cards developed by the insurance industry committee on motor vehicle administration.

[1989 c 353 § 3.]

RCW 46.30.040 Providing false evidence of financial responsibility--Penalty.

Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

[1991 sp.s. c 25 § 2; 1989 c 353 § 4.]

RCW 46.30.900 Severability--1989 c 353.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 c 353 § 12.]

RCW 46.30.901 Effective date--1989 c 353.

This act shall take effect January 1, 1990. The director of the department of licensing may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

[1989 c 353 § 13.]

**Chapter 46.32 RCW
VEHICLE INSPECTION**

Sections

46.32.005

Definitions.

46.32.010

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RCW 46.32.005 Definitions.

For the purpose of this chapter "commercial motor vehicle" means a self-propelled or towed vehicle designed or used to transport passengers or property, if the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds;
- (2) Is designed to transport sixteen or more passengers, including the driver; or
- (3) Is transporting hazardous materials and is required to be identified by a placard in accordance with 49 C.F.R. Sec. 172.500-.560 (1991).

A recreational vehicle used for noncommercial purposes is not considered a commercial motor vehicle. "Recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

[1993 c 403 § 1.]

RCW 46.32.010 Buses and drivers--Inspection authorized--Stations--Duties of state patrol--Penalties.

(1) The chief of the Washington state patrol may operate, maintain, or designate, throughout the state of Washington, stations for the inspection of school buses and private carrier buses, with respect to vehicle equipment, drivers' qualifications, and hours of service and to set reasonable times when inspection of vehicles shall be performed.

(2) The state patrol may inspect a commercial motor vehicle while the vehicle is operating on the public highways of this state with respect to vehicle equipment, hours of service, and driver qualifications.

(3) It is unlawful for any vehicle required to be inspected to be operated over the public highways of this state unless and until it has been approved periodically as to equipment.

(4) Inspections shall be performed by a responsible employee of the chief of the Washington state patrol, who shall be duly authorized and who shall have authority to secure and withhold, with written notice to the director of licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until it has been placed in a condition satisfactory to pass a subsequent

equipment inspection. The police officer in charge of such vehicle equipment inspection shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

(5) In the event any insignia, sticker, or other marker is adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, it shall be displayed as required by the rules of the chief of the Washington state patrol, and it is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

(6) It is a traffic infraction for any person to refuse to have his motor vehicle examined as required by the chief of the Washington state patrol, or, after having had it examined, to refuse to place an insignia, sticker, or other marker, if issued, upon the vehicle, or fraudulently to obtain any such insignia, sticker, or other marker, or to refuse to place his motor vehicle in proper condition after having had it examined, or in any manner, to fail to conform to the provisions of this chapter.

(7) It is a traffic infraction for any person to perform false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle.

[1993 c 403 § 2; 1986 c 123 § 1; 1979 ex.s. c 136 § 67; 1979 c 158 § 156; 1967 c 32 § 48; 1961 c 12 § 46.32.010. Prior: 1947 c 267 § 1; 1945 c 44 § 1; 1937 c 189 § 7; Rem. Supp. 1947 § 6360-7.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.32.020 Rules--Supplies--Assistants.

The chief of the Washington state patrol may adopt reasonable rules regarding types of vehicles to be inspected, inspection criteria, times for the inspection of vehicle equipment, drivers' qualifications, hours of service, and all other matters with respect to the conduct of vehicle equipment and driver inspections.

The chief of the Washington state patrol shall prepare and furnish such stickers, tags, record and report forms, stationery, and other supplies as shall be deemed necessary. The chief of the Washington state patrol is empowered to appoint and employ such assistants as he may consider necessary and to fix hours of employment and compensation.

[1993 c 403 § 3; 1986 c 123 § 2; 1961 c 12 § 46.32.020. Prior: 1945 c 44 § 2; 1937 c 189 § 8; Rem. Supp. 1945 § 6360-8.]

RCW 46.32.040 Frequency of inspection--Inspection free.

Vehicle equipment inspection shall be at such intervals as required by the chief of the Washington state patrol and shall be made without charge.

[1986 c 123 § 3; 1961 c 12 § 46.32.040. Prior: 1945 c 44 § 4; 1937 c 189 § 10; Rem. Supp. 1945 § 6360-10.]

RCW 46.32.050 Prohibited practices--Penalty.

It shall be unlawful for any person employed by the chief of the Washington state patrol at any vehicle equipment inspection station, to order, direct, recommend, or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Violation of the provisions of this section is a traffic infraction.

[1986 c 123 § 4; 1979 ex.s. c 136 § 68; 1961 c 12 § 46.32.050. Prior: 1945 c 44 § 5; 1937 c 189 § 11; Rem. Supp. 1945 § 6360-11.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.32.060 Moving defective vehicle unlawful--Impounding authorized.

It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title or rules adopted by the chief of the Washington state patrol.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state patrol.

[1987 c 330 § 705; 1986 c 123 § 5; 1961 c 12 § 46.32.060. Prior: 1937 c 189 § 12; RRS § 6360-12.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Moving unsafe or noncomplying vehicle: RCW 46.37.010.

RCW 46.32.070 Inspection of damaged vehicle.

If a vehicle required to be inspected becomes damaged or deteriorated in such a manner that such vehicle has become unsafe for operation upon the public highways of this state, it is

unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator presents such vehicle for inspection of equipment within twenty-four hours after its return to service.

[1986 c 123 § 6; 1961 c 12 § 46.32.070. Prior: 1937 c 189 § 13; RRS § 6360-13.]

RCW 46.32.080 Commercial vehicle safety enforcement.

(1) The Washington state patrol is responsible for enforcement of safety requirements for commercial motor vehicles, including but not limited to terminal safety audits. Those carriers that have terminal operations in this state are subject to the patrol's terminal safety audits.

(2) This section does not apply to:

(a) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal; or supplies or commodities to be used on the farm, orchard, or dairy;

(b) Commercial motor carriers subject to economic regulation under chapters 81.68 (auto transportation companies), 81.70 (passenger charter carriers), 81.77 (solid waste collection companies), 81.80 (motor freight carriers), and *81.90 (limousine charter carriers) RCW; and

(c) Vehicles exempted from registration by RCW 46.16.020.

[1995 c 272 § 1.]

Notes:

***Reviser's note:** Chapter 81.90 RCW was repealed by 1996 c 87 § 23.

Transfer of powers, duties, and functions: "(1) All powers, duties, and functions of the utilities and transportation commission pertaining to safety inspections of commercial vehicles, including but not limited to terminal safety audits, except for those carriers subject to the economic regulation of the commission, are transferred to the Washington state patrol.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington state patrol. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the Washington state patrol. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington state patrol.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall, on January 1, 1996, be transferred and credited to the Washington state patrol.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that

may be appropriate thereafter in accordance with the laws and rules governing state civil service. These employees will only be transferred upon successful completion of the Washington state patrol background investigation.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington state patrol. All existing contracts and obligations remain in full force and shall be performed by the Washington state patrol.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before January 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section alters an existing collective bargaining unit or the provisions of an existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law." [1995 c 272 § 4.]

Effective dates--1995 c 272: See note following RCW 46.32.090.

RCW 46.32.090 Fees.

The department shall collect a fee of ten dollars, in addition to all other fees and taxes, for each motor vehicle base plated in the state of Washington that is subject to highway inspections and terminal audits under RCW 46.32.080, at the time of registration and renewal of registration under chapter 46.16 or 46.87 RCW, or the International Registration Plan if based [base] plated in a foreign jurisdiction. The ten-dollar fee must be apportioned for those vehicles operating interstate and registered under the International Registration Plan. This fee does not apply to nonmotor-powered vehicles, including trailers. Refunds will not be provided for fees paid under this section when the vehicle is no longer subject to RCW 46.32.080. The department may deduct an amount equal to the cost of administering the program. All remaining fees shall be deposited with the state treasurer and credited to the state patrol highway account of the motor vehicle fund.

[1996 c 86 § 1; 1995 c 272 § 2.]

Notes:

Effective date--1996 c 86: "Section 1 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1997." [1996 c 86 § 2.]

Effective dates--1995 c 272: "Section 2 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1996. Sections 1 and 3 through 6 of this act take effect January 1, 1996." [1995 c 272 § 7.]

RCW 46.32.100 Violations--Penalties.

In addition to all other penalties provided by law, a commercial motor vehicle that is subject to terminal safety audits under this chapter and an officer, agent, or employee of a company operating a commercial motor vehicle who violates or who procures, aids, or abets in the violation of this title or any order or rule of the state patrol is liable for a penalty of one hundred dollars for each violation, except for each violation of 49 C.F.R. Pt. 382, controlled substances and alcohol use and testing, 49 C.F.R. Sec. 391.15, disqualification of drivers, and 49 C.F.R. Sec. 396.9(c)(2), moving a vehicle placed out of service before the out of service defects have been satisfactorily repaired, for which the person is liable for a penalty of five hundred

dollars. Each violation is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the patrol describing the violation and advising the person that the penalty is due. The patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue a prosecution to recover the penalty upon such terms it deems proper and may ascertain the facts upon all such applications in such manner and under such rules as it deems proper. If the amount of the penalty is not paid to the patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which the violator does business, to recover the penalty. In all such actions the procedure and rules of evidence are the same as an ordinary civil action except as otherwise provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund.

[1998 c 172 § 1; 1995 c 272 § 3.]

Notes:

Effective dates--1995 c 272: See note following RCW 46.32.090.

RCW 46.32.110 Controlled substances, alcohol.

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 46.32.100, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty, under the process set forth in RCW 46.32.100, of one thousand five hundred dollars.

[1999 c 351 § 5.]

Chapter 46.37 RCW
VEHICLE LIGHTING AND OTHER EQUIPMENT

Sections

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- 46.37.030 Visibility distance and mounted height of lamps.
- 46.37.040 Head lamps on motor vehicles.
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Notes:

Emission control program: Chapter 70.120 RCW.

Lowering vehicle below legal clearance: RCW 46.61.680.

Moving defective vehicle: RCW 46.32.060.

RCW 46.37.005 State patrol--Additional powers and duties.

In addition to those powers and duties elsewhere granted, the chief of the Washington state patrol shall have the power and the duty to adopt, apply, and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight, and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The chief of the Washington state patrol is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment, issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards. Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards.

[1987 c 330 § 706; 1985 c 165 § 1; 1982 c 106 § 1; 1967 ex.s. c 145 § 56; 1967 c 32 § 49; 1961 c 12 § 46.37.005. Prior: 1943 c 133 § 1; 1937 c 189 § 6; Rem. Supp. 1943 § 6360-6; 1927 c 309 § 14, part; RRS § 6362-14, part. Formerly RCW 46.36.010.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1967 ex.s. c 145: See RCW 47.98.043.

Towing operators, appointment of: RCW 46.55.115.

RCW 46.37.010 Scope and effect of regulations--General penalty.

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers,

or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

(8) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(9) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(10) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

[1997 c 241 § 14; 1989 c 178 § 22; 1987 c 330 § 707; 1979 ex.s. c 136 § 69; 1977 ex.s. c 355 § 1; 1963 c 154 § 1; 1961 c 12 § 46.37.010. Prior: 1955 c 269 § 1; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1977 ex.s. c 355: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 355 § 57.]

Effective date--1963 c 154: "This act shall take effect on January 1, 1964." [1963 c 154 § 32.]

Moving defective vehicle: RCW 46.32.060.

RCW 46.37.020 When lighted lamps and signaling devices are required.

Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable

atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead shall display lighted head lights, other lights, and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and such stop lights, turn signals, and other signaling devices shall be lighted as prescribed for the use of such devices.

[1977 ex.s. c 355 § 2; 1974 ex.s. c 124 § 2; 1963 c 154 § 2; 1961 c 12 § 46.37.020. Prior: 1955 c 269 § 2; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

Local twenty-four hour headlight policy: RCW 47.04.180.

Motorcycles and motor-driven cycles--When headlamps and tail lamps to be lighted: RCW 46.37.522.

RCW 46.37.030 Visibility distance and mounted height of lamps.

(1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in RCW 46.37.020 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(3) No additional lamp, reflective device, or other motor vehicle equipment shall be added which impairs the effectiveness of this standard.

[1977 ex.s. c 355 § 3; 1961 c 12 § 46.37.030. Prior: 1955 c 269 § 3; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.040 Head lamps on motor vehicles.

(1) Every motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every head lamp upon every motor vehicle shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2).

[1977 ex.s. c 355 § 4; 1961 c 12 § 46.37.040. Prior: 1955 c 269 § 4; prior: 1937 c 189 § 15; RRS § 6360-15; RCW 46.40.020; 1933 c 156 § 1, part; 1929 c 178 § 3, part; 1927 c 309 §§ 20, part, 24; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS §§ 6362-20, part, 6362-24.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.050 Tail lamps.

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in RCW 46.37.020, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, shall have at least one tail lamp. On a combination of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than fifteen inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

[1977 ex.s. c 355 § 5; 1963 c 154 § 3; 1961 c 12 § 46.37.050. Prior: 1955 c 269 § 5; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part; 1929 c 178 § 7; 1927 c 309 § 27; RRS § 6362-27; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.060 Reflectors.

(1) Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section: PROVIDED, HOWEVER, That vehicles of the types mentioned in RCW 46.37.090 shall be equipped with reflectors meeting the requirements of RCW 46.37.110 and 46.37.120.

(2) Every such reflector shall be mounted on the vehicle at a height not less than fifteen inches nor more than seventy-two inches measured as set forth in RCW 46.37.030(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within three hundred and fifty feet to one hundred feet when directly in front of lawful upper beams of head lamps.

[1977 ex.s. c 355 § 6; 1963 c 154 § 4; 1961 c 12 § 46.37.060. Prior: 1955 c 269 § 6; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.070 Stop lamps and turn signals required.

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that passenger cars, trailers, semitrailers, pole trailers, and trucks less than eighty inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

[1977 ex.s. c 355 § 7; 1963 c 154 § 5; 1961 c 12 § 46.37.070. Prior: 1959 c 319 § 32; 1955 c 269 § 7; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.080 Application of succeeding sections.

Those sections of this chapter which follow immediately, including RCW 46.37.090, 46.37.100, 46.37.110, 46.37.120, and 46.37.130, relating to clearance lamps, marker lamps, and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck tractors, and trailers, semitrailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in RCW 46.37.020. For purposes of the sections enumerated above, a camper, when mounted upon a motor vehicle, shall be considered part of the permanent structure of that motor vehicle.

[1977 ex.s. c 355 § 8; 1963 c 154 § 6; 1961 c 12 § 46.37.080. Prior: 1955 c 269 § 8; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.090 Additional equipment required on certain vehicles.

In addition to other equipment required in RCW 46.37.040, 46.37.050, 46.37.060, and 46.37.070, the following vehicles shall be equipped as herein stated under the conditions stated in RCW 46.37.080, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of RCW 46.37.120(1).

(1) Buses, trucks, motor homes, and motor vehicles with mounted campers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side;

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear: PROVIDED, That a mobile home as defined by RCW 46.04.302 need not be equipped with two side marker lamps or two side reflectors as required by subsection (2) (c) and (d) of this section while operated under the terms of a special permit authorized by RCW 46.44.090.

(3) Truck tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section.

(4) Trailers, semitrailers, and pole trailers thirty feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle: PROVIDED, That a mobile home as defined by RCW 46.04.302 need not be equipped with such side marker lamp or reflector while operated under the terms of a special permit authorized by RCW 46.44.090.

(5) Pole trailers:

(a) On each side, one amber side marker lamp at or near the front of the load;

(b) One amber reflector at or near the front of the load;

(c) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(6) Boat trailers eighty inches or more in overall width:

(a) One on each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp;

(b) On the rear, after June 1, 1978, three identification lamps meeting the specifications of subsection (7) of this section;

(c) One on each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(7) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline: PROVIDED, HOWEVER, That where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.

[1977 ex.s. c 355 § 9; 1963 c 154 § 7; 1961 c 12 § 46.37.090. Prior: 1955 c 269 § 9; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.100 Color of clearance lamps, side marker lamps, back-up lamps, and reflectors.

(1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber, or yellow, and except that on any vehicle forty or more years old, the taillight may also contain a blue or purple insert of not more than one inch in diameter, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

[1992 c 46 § 1; 1961 c 12 § 46.37.100. Prior: 1955 c 269 § 10; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

RCW 46.37.110 Mounting of reflectors, clearance lamps, identification lamps, and side marker lamps.

(1) Reflectors when required by RCW 46.37.090 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a

manner as to indicate the extreme height and width of the vehicle. When rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height, and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck tractors shall be located so as to indicate the extreme width of the truck tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both: PROVIDED, That no rear clearance lamp may be combined in any shell or housing with any tail lamp or identification lamp.

[1977 ex.s. c 355 § 10; 1961 c 12 § 46.37.110. Prior: 1955 c 269 § 11; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.120 Visibility of reflectors, clearance lamps, identification lamps, and side marker lamps.

(1) Every reflector upon any vehicle referred to in RCW 46.37.090 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of the lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted.

[1977 ex.s. c 355 § 11; 1963 c 154 § 8; 1961 c 12 § 46.37.120. Prior: 1955 c 269 § 12; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.130 Obstructed lights not required.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

[1961 c 12 § 46.37.130. Prior: 1955 c 269 § 13.]

RCW 46.37.140 Lamps, reflectors, and flags on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in RCW 46.37.020, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors visible at night from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful lower beams of headlamps, and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than twelve inches square, marking the extremities of such loads, at each point where a lamp would otherwise be required by this section, under RCW 46.37.020.

[1977 ex.s. c 355 § 12; 1963 c 154 § 9; 1961 c 12 § 46.37.140. Prior: 1955 c 269 § 14; prior: 1937 c 189 § 18; RRS § 6360-18; RCW 46.40.050; 1929 c 178 § 11, part; 1927 c 309 § 32, part, RRS § 6362-32, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.150 Lamps on vehicles--Parked or stopped vehicles, lighting requirements.

(1) Every vehicle shall be equipped with one or more lamps, which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside an incorporated city or town, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1) of this section.

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

[1977 ex.s. c 355 § 13; 1963 c 154 § 10; 1961 c 12 § 46.37.150. Prior: 1955 c 269 § 15; prior: 1937 c 189 § 19; RRS § 6360-19; RCW 46.40.060; 1933 c 156 § 8; 1929 c 178 § 10; 1927 c 309 § 31; RRS § 6362-31.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.160 Hazard warning lights and reflectors on farm equipment--Slow-moving vehicle emblem.

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights of the type described in RCW 46.37.215 visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall at times mentioned in RCW 46.37.020, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of RCW 46.37.220, 46.37.240, or 46.37.260;

(b) At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of vehicle as practicable;

(c) At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps and reflectors as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsections (1) and (2) of this section;

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. One reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit;

(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in

subsection (1) of this section.

(4) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them: PROVIDED, That if all other requirements are met, reflective tape or paint may be used in lieu of reflectors required by subsection (3) of this section.

(5) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6) of this section.

(6) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(7) The emblem required by subsections (5) and (6) of this section shall comply with current standards and specifications as promulgated by the Washington state patrol.

[1987 c 330 § 708; 1977 ex.s. c 355 § 14; 1969 ex.s. c 281 § 22; 1963 c 154 § 11; 1961 c 12 § 46.37.160. Prior: 1955 c 269 § 16.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.170 Lamps and reflectors on other vehicles and equipment--Slow-moving vehicle emblem on animal-drawn vehicles.

(1) Every vehicle, including animal-drawn vehicles and vehicles referred to in RCW 46.37.010(3), not specifically required by the provisions of RCW 46.37.020 through 46.37.330 to be equipped with lamps, or other lighting devices, shall at all times specified in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the lawful lower beams of head lamps.

(2) After June 1, 1978, every animal-drawn vehicle shall at all times be equipped with a

slow-moving vehicle emblem complying with RCW 46.37.160(7).

[1977 ex.s. c 355 § 15; 1963 c 154 § 12; 1961 c 12 § 46.37.170. Prior: 1955 c 269 § 17; prior: 1937 c 189 § 21; RRS § 6360-21; RCW 46.40.080; 1927 c 309 § 34; 1921 c 96 § 22, part; 1917 c 40 § 1; RRS § 6362-34.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.180 Spot lamps and auxiliary lamps.

(1) Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(2) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in RCW 46.37.220.

(3) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combinations of head lamps and auxiliary passing lamps.

(4) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary driving lamps.

[1963 c 154 § 13; 1961 c 12 § 46.37.180. Prior: 1955 c 269 § 18; prior: 1949 c 157 § 1; Rem. Supp. 1949 § 6360-22a; RCW 46.40.110, 46.40.120.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.184 Red flashing lights on fire department vehicles.

All fire department vehicles in service shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status.

[1961 c 12 § 46.37.184. Prior: 1953 c 161 § 1. Formerly RCW 46.40.220.]

RCW 46.37.185 Green light on firemen's private cars.

Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

[1987 c 330 § 709; 1971 ex.s. c 92 § 3; 1961 c 12 § 46.37.185. Prior: 1953 c 161 § 2. Formerly RCW 46.40.230.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.186 Fire department sign or plate on private car.

(1) No private vehicle, bearing a sign or plate indicating a fire department connection, shall be driven or operated on any public highway, except when the owner thereof is a bona fide member of a fire department.

(2) Any sign or plate indicating fire department connection on a private car of any member of a fire department shall include the name of the municipality or fire department organization to which the owner belongs.

[1961 c 12 § 46.37.186. Prior: 1953 c 161 § 3. Formerly RCW 46.40.240.]

RCW 46.37.187 Green light, sign or plate--Identification card required.

Any individual displaying a green light as authorized in RCW 46.37.185, or a sign or plate as authorized in RCW 46.37.186, shall also carry attached to a convenient location on the private vehicle to which the green light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved.

[1971 ex.s. c 92 § 2; 1961 c 12 § 46.37.187. Prior: 1953 c 161 § 4. Formerly RCW 46.40.250.]

RCW 46.37.188 Penalty for violation of RCW 46.37.184 through 46.37.188.

Every violation of RCW 46.37.184, 46.37.185, 46.37.186, or 46.37.187 is a traffic infraction.

[1979 ex.s. c 136 § 70; 1961 c 12 § 46.37.188. Prior: 1953 c 161 § 5. Formerly RCW 46.40.260.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.37.190 Warning devices on vehicles--Other drivers yield and stop.

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. The state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the state patrol, a publicly owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

(a) An "optical strobe light device" used by emergency vehicles means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the emergency vehicle in which the strobe light device is used to obtain the right of way at intersections.

(b) An "optical strobe light device" used by department of transportation, city, or county maintenance vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the department of transportation maintenance vehicle in which the strobe light device is used to perform maintenance tests.

(c) An "optical strobe light device" used by public transit vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the public transit vehicle in which the strobe light device is used to accelerate the cycle of the traffic control light. For the purposes of this section, "public transit vehicle" means vehicles, owned by a governmental entity, with a seating capacity for twenty-five or more persons and used to provide mass transportation. Public transit vehicles operating an optical strobe light will have second degree priority to emergency vehicles when simultaneously approaching the same traffic control light.

(5) The use of the signal equipment described herein, except the optical strobe light devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose

upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

[1993 c 401 § 2; 1987 c 330 § 710; 1985 c 331 § 1; 1982 c 101 § 1; 1971 ex.s. c 92 § 1; 1970 ex.s. c 100 § 5; 1965 ex.s. c 155 § 53; 1963 c 154 § 14; 1961 c 12 § 46.37.190. Prior: 1957 c 66 § 1; 1955 c 269 § 19.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.191 Implementing rules.

The state patrol shall adopt rules to implement RCW 46.37.190.

[1993 c 401 § 3.]

RCW 46.37.193 Signs on buses.

Every school bus and private carrier bus, in addition to any other equipment or distinctive markings required by this chapter, shall bear upon the front and rear thereof, above the windows thereof, plainly visible signs containing only the words "school bus" on a school bus and only the words "private carrier bus" on a private carrier bus in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190. School districts may affix signs designed according to RCW 46.61.380 informing motorists of the monetary penalty for failure to stop for a school bus when the visual signals are activated.

However, a private carrier bus that regularly transports children to and from a private school or in connection with school activities may display the words "school bus" in a manner provided in this section and need not comply with the requirements set forth in the most recent edition of "Specifications for School Buses" published by the superintendent of public instruction.

[1997 c 80 § 3; 1995 c 141 § 2; 1990 c 241 § 10.]

Notes:

School bus markings: RCW 46.61.380.

RCW 46.37.194 Authorized emergency vehicles--Rules, tests, approval by state patrol.

The state patrol may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles.

[1987 c 330 § 711; 1961 c 12 § 46.37.194. Prior: 1957 c 66 § 3.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.195 Sale of emergency vehicle lighting equipment restricted.

A public agency shall not sell or give emergency vehicle lighting equipment or other equipment to a person who may not lawfully operate the lighting equipment or other equipment on the public streets and highways.

[1990 c 94 § 2.]

Notes:

Legislative finding--1990 c 94: "The legislature declares that public agencies should not engage in activity that leads or abets a person to engage in conduct that is not lawful. The legislature finds that some public agencies sell emergency vehicle lighting equipment at public auctions to persons who may not lawfully use the equipment. The legislature further finds that this practice misleads well-intentioned citizens and also benefits malevolent individuals." [1990 c 94 § 1.]

RCW 46.37.196 Red lights on emergency tow trucks.

All emergency tow trucks shall be identified by an intermittent or revolving red light capable of 360° visibility at a distance of five hundred feet under normal atmospheric conditions. This intermittent or revolving red light shall be used only at the scene of an emergency or accident, and it will be unlawful to use such light while traveling to or from an emergency or accident, or for any other purposes.

[1977 ex.s. c 355 § 16.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.200 Stop lamps and electric turn signals.

(1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber

light, or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

[1977 ex.s. c 355 § 17; 1963 c 154 § 15; 1961 c 12 § 46.37.200. Prior: 1955 c 269 § 20; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.210 Additional lighting equipment.

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(7).

(6)(a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals.

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated.

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear.

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height

of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050.

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection.

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the state patrol as provided for in RCW 46.37.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington.

[1987 c 330 § 712; 1977 ex.s. c 355 § 18; 1975 1st ex.s. c 242 § 1; 1963 c 154 § 16; 1961 c 12 § 46.37.210. Prior: 1955 c 269 § 21; prior: 1937 c 189 § 24; RRS § 6360-24; RCW 46.40.100.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.215 Hazard warning lamps.

(1) Any vehicle may be equipped with lamps for the purpose of warning other operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(2) After June 1, 1978, every motor home, bus, truck, truck tractor, trailer, semitrailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

(3) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet in normal sunlight.

[1977 ex.s. c 355 § 19.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.220 Multiple-beam road-lighting equipment.

Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may be so arranged that such selection can be made automatically subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of four hundred fifty feet ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred fifty feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(3) Every new motor vehicle registered in this state after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

[1977 ex.s. c 355 § 20; 1961 c 12 § 46.37.220. Prior: 1955 c 269 § 22; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.230 Use of multiple-beam road-lighting equipment.

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in RCW 46.37.020, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in RCW 46.37.220(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(3) Whenever the driver of a vehicle approaches another vehicle from the rear within three hundred feet such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in RCW 46.37.220(1).

[1963 c 154 § 17; 1961 c 12 § 46.37.230. Prior: 1955 c 269 § 23; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.240 Single-beam road-lighting equipment.

Head lamp systems which provide only a single distribution of light shall be permitted on

all farm tractors regardless of date of manufacture, and on all other motor vehicles manufactured and sold prior to one year after March 18, 1955, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead;

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

[1977 ex.s. c 355 § 21; 1963 c 154 § 18; 1961 c 12 § 46.37.240. Prior: 1955 c 269 § 24; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.260 Alternate road lighting equipment.

Any motor vehicle may be operated under the conditions specified in RCW 46.37.020 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred feet ahead in lieu of lamps required in RCW 46.37.220 or 46.37.240: PROVIDED, HOWEVER, That at no time shall it be operated at a speed in excess of twenty miles per hour.

[1977 ex.s. c 355 § 22; 1961 c 12 § 46.37.260. Prior: 1955 c 269 § 26; prior: 1937 c 189 § 27; RRS § 6360-27; RCW 46.40.150.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.270 Number of lamps required--Number of additional lamps permitted.

(1) At all times specified in RCW 46.37.020, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of two of any such additional lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

[1977 ex.s. c 355 § 23; 1961 c 12 § 46.37.270. Prior: 1955 c 269 § 27; prior: 1937 c 189 § 28; RRS § 6360-28; RCW 46.40.160; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part;

1915 c 142 § 21, part; RRS § 6362-19.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.280 Special restrictions on lamps.

(1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state patrol and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, warning lamps authorized by the state patrol, and light-emitting diode flashing taillights on bicycles.

[1998 c 165 § 16; 1987 c 330 § 713; 1977 ex.s. c 355 § 24; 1963 c 154 § 19; 1961 c 12 § 46.37.280. Prior: 1955 c 269 § 28; prior: 1949 c 157 § 2; 1947 c 267 § 6; 1947 c 200 § 2; 1937 c 189 § 29; Rem. Supp. 1949 § 6360-29; RCW 46.40.170; 1927 c 309 § 33; RRS § 6362-33.]

Notes:

Short title--1998 c 165: See note following RCW 43.59.010.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.290 Special lighting equipment on school buses and private carrier buses.

The chief of the Washington state patrol is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

[1987 c 330 § 714; 1977 c 45 § 1; 1970 ex.s. c 100 § 6; 1961 c 12 § 46.37.290. Prior: 1955 c 269 § 29; prior: 1937 c 189 § 25, part; RRS § 6360-25, part; RCW 46.40.130, part; 1929 c 178 § 3, part; 1927 c 309 § 20, part; RRS § 6362-20, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

School buses--Crossing arms: RCW 46.37.620.

RCW 46.37.300 Standards for lights on snow-removal or highway maintenance and service equipment.

(1) The state patrol shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

[1987 c 330 § 715; 1963 c 154 § 20; 1961 c 12 § 46.37.300. Prior: 1955 c 269 § 30.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.310 Selling or using lamps or equipment.

(1) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, or use upon any such vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this chapter, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state patrol and conforming to rules adopted by it.

(2) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section conforming to rules adopted by the state patrol unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person may use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the state patrol.

[1987 c 330 § 716; 1986 c 113 § 1; 1961 c 12 § 46.37.310. Prior: 1955 c 269 § 31; prior: 1937 c 189 § 30; RRS § 6360-30; RCW 46.40.180; 1929 c 178 § 12; 1927 c 309 § 35; RRS § 6362-35.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.320 Authority of state patrol regarding lighting devices or other safety equipment.

(1) The chief of the state patrol is hereby authorized to adopt and enforce rules

establishing standards and specifications governing the performance of lighting devices and their installation, adjustment, and aiming, when in use on motor vehicles, and other safety equipment, components, or assemblies of a type for which regulation is required in this chapter or in rules adopted by the state patrol. Such rules shall correlate with and, so far as practicable, conform to federal motor vehicle safety standards adopted pursuant to the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1381 et seq.) covering the same aspect of performance, or in the absence of such federal standards, to the then current standards and specifications of the society of automotive engineers applicable to such equipment: PROVIDED, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement concerning motor vehicle equipment and parts done at Geneva on March 20, 1958, or as amended and adopted by the Canadian standards association (CSA standard D106.2), as amended, shall be lawful in this state.

(2) Every manufacturer who sells or offers for sale lighting devices or other safety equipment subject to requirements established by the state patrol shall, if the lighting device or safety equipment is not in conformance with applicable federal motor vehicle safety standards, provide for submission of such lighting device or safety equipment to any recognized organization or agency such as, but not limited to, the American national standards institute, the society of automotive engineers, or the American association of motor vehicle administrators, as the agent of the state patrol. Issuance of a certificate of compliance for any lighting device or item of safety equipment by that agent is deemed to comply with the standards set forth by the state patrol. Such certificate shall be issued by the agent of the state before sale of the product within the state.

(3) The state patrol may at any time request from the manufacturer a copy of the test data showing proof of compliance of any device with the requirements established by the state patrol and additional evidence that due care was exercised in maintaining compliance during production. If the manufacturer fails to provide such proof of compliance within sixty days of notice from the state patrol, the state patrol may prohibit the sale of the device in this state until acceptable proof of compliance is received by the state patrol.

(4) The state patrol or its agent may purchase any lighting device or other safety equipment, component, or assembly subject to this chapter or rules adopted by the state patrol under this chapter, for purposes of testing or retesting the equipment as to its compliance with applicable standards or specifications.

[1987 c 330 § 717; 1986 c 113 § 2. Prior: 1977 ex.s. c 355 § 25; 1977 ex.s. c 20 § 1; 1961 c 12 § 46.37.320; prior: 1955 c 269 § 32; prior: 1937 c 189 § 31; RRS § 6360-31; RCW 46.40.190; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.330 Revocation of certificate of approval on devices--Reapproval, conditions.

(1) When the state patrol has reason to believe that an approved device does not comply with the requirements of this chapter or regulations issued by the state patrol, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state patrol shall determine whether said approved device meets the requirements of this chapter and regulations issued by the state patrol. If said device does not meet the requirements of this chapter or the state patrol's regulations it shall give notice to the one to whom the certificate of approval has been issued of the state patrol's intention to suspend or revoke the certificate of approval for such device in this state.

(2) If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state patrol that said approved device as thereafter to be sold or offered for sale meets the requirements of this chapter or the state patrol's regulations, the state patrol shall suspend or revoke the approval issued therefor and shall require the withdrawal of all such devices from the market and may require that all said devices sold since the notification be replaced with devices that do comply.

(3) When a certificate of approval has been suspended or revoked pursuant to this chapter or regulations by the state patrol, the device shall not be again approved unless and until it has been submitted for reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets the requirements of this chapter or regulations issued by the state patrol. The state patrol may require that all previously approved items are being effectively recalled and removed from the market as a condition of reapproval.

[1987 c 330 § 718; 1977 ex.s. c 355 § 26; 1961 c 12 § 46.37.330. Prior: 1955 c 269 § 33; prior: 1937 c 189 § 32; RRS § 6360-32; RCW 46.40.200; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.340 Braking equipment required.

Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes--adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes--adequacy. Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the

driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(ii) The combination of vehicles consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351;

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965, shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds;

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351;

(d) Trucks and truck tractors manufactured before July 25, 1980, and having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. Trucks and truck tractors manufactured on or after July 25, 1980, and having three or more axles are required to have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. Such trucks and truck tractors may be equipped with an automatic device to reduce the front-wheel braking effort by up to fifty percent of the normal braking force, regardless of whether or not antilock system failure has occurred on any axle, and:

(i) Must not be operable by the driver except upon application of the control that activates the braking system; and

(ii) Must not be operable when the pressure that transmits brake control application force exceeds eighty-five pounds per square inch (psi) on air-mechanical braking systems, or eighty-five percent of the maximum system pressure in vehicles utilizing other than compressed air.

All trucks and truck tractors having three or more axles must be capable of complying

with the performance requirements of RCW 46.37.351;

(e) Special mobile equipment as defined in RCW 46.04.552 and all vehicles designed primarily for off-highway use with braking systems which work within the power train rather than directly at each wheel;

(f) Vehicles manufactured prior to January 1, 1930, may have brakes operating on only two wheels.

(g) For a forklift manufactured after January 1, 1970, and being towed, wheels need not have brakes except for those on the rearmost axle so long as such brakes, together with the brakes on the towing vehicle, shall be adequate to stop the combination within the stopping distance requirements of RCW 46.37.351.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1, 1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, and all other vehicles equipped with air controlled brakes, shall be equipped with two means for emergency application of the brakes. One of these means shall apply the brakes automatically in the event of a reduction of the vehicle's air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the

pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck, or truck tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assistor type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers, and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck, or truck tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the primary supply air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes

or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

[1989 c 221 § 1; 1979 c 11 § 1. Prior: 1977 ex.s. c 355 § 27; 1977 ex.s. c 148 § 2; 1965 ex.s. c 170 § 49; 1963 c 154 § 21; 1961 c 12 § 46.37.340; prior: 1955 c 269 § 34; prior: 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.351 Performance ability of brakes.

Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brakes, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification,

(2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

| | | | |
|---------------------------------------|---|---|---|
| | | | <i>Brake system application and braking distance in feet from an initial speed of 20 m.p.h.</i> |
| | <i>Braking force as a percent- age of gross vehicle or combination weight</i> | <i>Deceler- ation in feet per second per second</i> | |
| <i>Classification of vehicles</i> | | | |

A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's

| <i>Classification of vehicles</i> | <i>Braking force as a percent- age of gross vehicle or combination weight</i> | <i>Deceler- ation in feet per second per second</i> | <i>Brake system application and braking distance in feet from an initial speed of 20 m.p.h.</i> |
|---|---|---|---|
| gross vehicle weight rating | 52.8% | 17 | 25 |
| B-1 All motorcycles and motor-driven cycles | 43.5% | 14 | 30 |
| B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less | 43.5% | 14 | 30 |
| C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds | 43.5% | 14 | 40 |
| C-2 Combinations of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less | 43.5% | 14 | 40 |
| C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating | 43.5% | 14 | 40 |
| C-4 All combinations of vehicles in driveaway- towaway operations | 43.5% | 14 | 40 |
| D All other vehicles and combinations of vehicles | 43.5% | 14 | 50 |

[1963 c 154 § 22.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.360 Maintenance of brakes--Brake system failure indicator.

(1) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the front and back wheels and to wheels on opposite sides of the vehicle.

(2) All passenger cars manufactured on or after January 1, 1968, and other types of vehicles manufactured on or after September 1, 1975, shall be equipped with brake system failure indicator lamps which shall be maintained in good working order. The brake system shall demonstrate good working order and integrity by the application of a force of one hundred twenty-five pounds to the brake pedal for ten seconds without the occurrence of any of the following:

(i) Illumination of the brake system failure indicator lamp;

(ii) A decrease of more than eighty percent of service brake pedal height as measured from its free position to the floorboard or any other object which restricts service brake pedal travel;

(iii) Failure of any hydraulic line or other part.

(3) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. In addition, brake hoses shall not be cracked, chafed, flattened, abraded, or visibly leaking. Protection devices such as "rub rings" shall not be considered part of the hose or tubing.

(4) Disc and drum condition. If the drum is embossed with a maximum safe diameter dimension or the rotor is embossed with a minimum safety thickness dimension, the drum or disc shall be within the appropriate specifications. These dimensions will be found on motor vehicles manufactured since January 1, 1971, and may be found on vehicles manufactured for several years prior to that time. If the drums and discs are not embossed, the drums and discs shall be within the manufacturer's specifications.

(5) Friction materials. On each brake the thickness of the lining or pad shall not be less than one thirty-second of an inch over the rivet heads, or the brake shoe on bonded linings or pads. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(6) Backing plates and caliper assemblies shall not be deformed or cracked. System parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled and installed correctly.

[1977 ex.s. c 355 § 28; 1961 c 12 § 46.37.360. Prior: 1955 c 269 § 36; prior: 1951 c 56 § 2, part; 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.365 Hydraulic brake fluid--Defined--Standards and specifications.

(1) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The chief of the Washington state patrol shall, in compliance with the provisions of chapter 34.05 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state patrol. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state patrol.

(5) Subsections (3) and (4) of this section shall not apply to petroleum base fluids in vehicles with brake systems designed to use them.

[1987 c 330 § 719; 1977 ex.s. c 355 § 29; 1963 c 154 § 24.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.369 Wheels and front suspension.

(1) No vehicle shall be equipped with wheel nuts, hub caps, or wheel discs extending outside the body of the vehicle when viewed from directly above which:

- (a) Incorporate winged projections; or
- (b) Constitute a hazard to pedestrians and cyclists.

For the purposes of this section, a wheel nut is defined as an exposed nut which is mounted at the center or hub of a wheel, and is not one of the ordinary hexagonal nuts which secure a wheel to an axle and are normally covered by a hub cap or wheel disc.

(2) Tire rims and wheel discs shall have no visible cracks, elongated bolt holes, or indications of repair by welding. In addition, the lateral and radial runout of each rim bead area shall not exceed one-eighth of an inch of total indicated runout.

(3) King pins or ball joints shall not be worn to the extent that front wheels tip in or out more than one-quarter of an inch at the lower edge of the tire.

[1977 ex.s. c 355 § 30.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.
Lowering vehicle below legal clearance: RCW 46.61.680.

RCW 46.37.375 Steering and suspension systems.

(1) Construction of steering control system. The steering control system shall be constructed and maintained so that no components or attachments, including horn activating mechanism and trim hardware, can catch the driver's clothing or jewelry during normal driving maneuvers.

(2) Maintenance of steering control system. System play, lash, or free play in the steering system shall not exceed the values tabulated herein.

| Steering wheel diameter (inches) | Lash (inches) |
|-------------------------------------|------------------|
| 16 or less | .2 |
| 18 | 2-1/4 |
| 20 | 2-1/2 |
| 22 | 2-3/4 |

(3) Linkage play. Free play in the steering linkage shall not exceed one-quarter of an inch.

(4) Other components of the steering system such as the power steering belt, tie rods, or idler arms or Pitman arms shall not be broken, worn out, or show signs of breakage.

(5) Suspension condition. Ball joint seals shall not be cut or cracked. Structural parts shall not be bent or damaged. Stabilizer bars shall be connected. Springs shall not be broken, or extended by spacers. Shock absorber mountings, shackles, and U-bolts shall be securely attached. Rubber bushings shall not be cracked, or extruded out or missing from suspension joints. Radius rods shall not be missing or damaged.

(6) Shock absorber system. Shock absorbers shall not be loose from mountings, leak, or be inoperative.

(7) Alignment. Toe-in and toe-out measurements shall not be greater than one and one-half times the value listed in the vehicle manufacturer's service specification for alignment setting.

[1977 ex.s. c 355 § 31.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.
Lowering vehicle below legal clearance: RCW 46.61.680.

RCW 46.37.380 Horns, warning devices, and theft alarms.

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a

distance of not less than two hundred feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type conforming to rules adopted by the state patrol, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

[1987 c 330 § 720; 1986 c 113 § 3; 1977 ex.s. c 355 § 32; 1961 c 12 § 46.37.380. Prior: 1955 c 269 § 38; prior: 1937 c 189 § 35; RRS § 6360-35; RCW 46.36.040.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles--Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.390 Mufflers, prevention of noise--Smoke and air contaminants--Standards--Definitions.

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(2)(a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection so that the vehicle's exhaust noise exceeds ninety-five decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998). It is not a violation of this subsection unless proven by proper authorities that the exhaust system modification results in noise amplification in excess of ninety-five decibels under the prescribed SAE test standard. A court may dismiss an infraction notice for a violation of this subsection if there is reasonable grounds to believe that the vehicle was not operated in violation of this subsection.

This subsection (3) does not apply to vehicles twenty-five or more years old or to passenger vehicles being operated off the highways in an organized racing or competitive event conducted by a recognized sanctioning body.

[2001 c 293 § 1; 1977 ex.s. c 355 § 33; 1972 ex.s. c 135 § 1; 1967 c 232 § 3; 1961 c 12 § 46.37.390. Prior: 1955 c 269 § 39; prior: 1937 c 189 § 36; RRS § 6360-36; RCW 46.36.050; 1927 c 309 § 17; 1921 c 96 § 21; 1915 c 142 § 20; RRS § 6362-17.]

NOTES:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles--Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.400 Mirrors, backup devices.

(1) Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(3) Every truck registered or based in Washington that is equipped with a cube-style, walk-in cargo box up to eighteen feet long used in the commercial delivery of goods and services must be equipped with a rear crossview mirror or backup device to alert the driver that a person or object is behind the truck.

(4) All mirrors and backup devices required by this section shall be maintained in good condition. Rear crossview mirrors and backup devices will be of a type approved by the Washington state patrol.

[1998 c 2 § 1; 1977 ex.s. c 355 § 34; 1963 c 154 § 25; 1961 c 12 § 46.37.400. Prior: 1955 c 269 § 40; prior: 1937 c 189 § 37; RRS § 6360-37; RCW 46.36.060.]

Notes:

Effective date--1998 c 2: "This act takes effect September 30, 1998." [1998 c 2 § 2.]

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles--Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.410 Windshields required, exception--Must be unobstructed and equipped with wipers.

(1) All motor vehicles operated on the public highways of this state shall be equipped with a front windshield manufactured of safety glazing materials for use in motor vehicles in accordance with RCW 46.37.430, except, however, on such vehicles not so equipped or where windshields are not in use, the operators of such vehicles shall wear glasses, goggles, or face shields pursuant to RCW 46.37.530(1)(b).

(2) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(3) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. After January 1, 1938, it shall be unlawful for any person to operate a new motor vehicle first sold or delivered after that date which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

(4) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

[1977 ex.s. c 355 § 35; 1961 c 12 § 46.37.410. Prior: 1955 c 269 § 41; prior: (i) 1937 c 189 § 38; RRS § 6360-38; RCW 46.36.070. (ii) 1937 c 189 § 39; RRS § 6360-39; RCW 46.36.080.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.420 Tires--Restrictions.

(1) It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires except vehicles equipped with temporary-use spare tires that meet federal standards that are installed and used in accordance with the

manufacturer's instructions.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery equipped with pneumatic tires or solid rubber tracks having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted by the state patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

[1999 c 208 § 1; 1990 c 105 § 1; 1987 c 330 § 721; 1986 c 113 § 4; 1984 c 7 § 50; 1971 ex.s. c 32 § 1; 1969 ex.s. c 7 § 1; 1961 c 12 § 46.37.420. Prior: 1955 c 269 § 42; prior: (i) 1937 c 189 § 41; RRS § 6360-41; RCW 46.36.100. (ii) 1937 c 189 § 42; RRS § 6360-42; RCW 46.36.120; 1929 c 180 § 7; 1927 c 309 § 46; RRS § 6362-46.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1984 c 7: See note following RCW 47.01.141.

Dangerous road conditions requiring special tires, chains, metal studs: RCW 47.36.250.

Motorcycles and motor-driven cycles--Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.4215 Lightweight studs--Certification by sellers.

Beginning January 1, 2000, a person offering to sell to a tire dealer conducting business in the state of Washington, a metal flange or cleat intended for installation as a stud in a vehicle tire shall certify that the studs are lightweight studs as defined in RCW 46.04.272. Certification must be accomplished by clearly marking the boxes or containers used to ship and store studs with the designation "lightweight." This section does not apply to tires or studs in a wholesaler's existing inventory as of January 1, 2000.

[1999 c 219 § 2.]

RCW 46.37.4216 Lightweight studs--Sale of tires containing.

Beginning July 1, 2001, a person may not sell a studded tire or sell a stud for installation in a tire unless the stud qualifies as a lightweight stud under RCW 46.04.272.

[1999 c 219 § 3.]

RCW 46.37.423 Pneumatic passenger car tires--Standards--Exception for off-highway use--Penalty.

No person, firm, or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

It is a traffic infraction for any person, firm, or corporation to sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state.

[1979 ex.s. c 136 § 71; 1971 c 77 § 1.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.37.424 Regrooved tires--Standards--Exception for off-highway use--Penalty.

No person, firm, or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part 569--regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

It is a traffic infraction for any person, firm, or corporation to sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this section unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state.

[1979 ex.s. c 136 § 72; 1977 ex.s. c 355 § 36; 1971 c 77 § 2.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.425 Tires--Unsafe--State patrol's authority--Penalty.

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state patrol.

The state patrol shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than $\frac{2}{32}$ of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle, except for temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person to operate a vehicle on the public highways of this state, or to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state patrol hereunder: PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

[1990 c 105 § 2; 1987 c 330 § 722; 1979 ex.s. c 136 § 73; 1977 ex.s. c 355 § 37; 1971 c 77 § 3.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1971 c 77: "The provisions of RCW 46.37.425 shall have an effective date of January 1, 1972, but the state commission on equipment shall have the authority to proceed with the promulgation of the rules and regulations provided for in RCW 46.37.425 so the rules and regulations may have an effective date of January 1, 1972." [1971 c 77 § 4.]

RCW 46.37.430 Safety glazing--Sunscreening or coloring.

(1) No person may sell any new motor vehicle as specified in this title, nor may any new motor vehicle as specified in this title be registered unless such vehicle is equipped with safety glazing material of a type that meets or exceeds federal standards, or if there are none, standards approved by the Washington state patrol. The foregoing provisions apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The director of licensing shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he or she shall suspend the registration of any motor vehicle so subject to this section which the director finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person may sell or offer for sale, nor may any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type conforming to rules adopted by the state patrol wherever glazing materials are used in outside windows and doors.

(5) No film sunscreening or coloring material that reduces light transmittance to any degree may be applied to the surface of the safety glazing material in a motor vehicle unless it meets the following standards for such material:

(a) The maximum level of film sunscreening material to be applied to any window, except the windshield, shall have a total reflectance of thirty-five percent or less, plus or minus three percent, and a light transmission of thirty-five percent or more, plus or minus three percent, when measured against clear glass resulting in a minimum of twenty-four percent light transmission on AS-2 glazing where the vehicle is equipped with outside rearview mirrors on both the right and left. Installation of more than a single sheet of film sunscreening material to any window is prohibited. The same maximum levels of film sunscreen material may be applied to windows to the immediate right and left of the driver on limousines and passenger buses used to transport persons for compensation and vehicles identified by the manufacturer as multi-use, multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles may have film sunscreening material applied that has less than thirty-five percent light transmittance, if the light reflectance is thirty-five percent or less and the vehicle is equipped with outside rearview mirrors on both the right and left. A person or business tinting windows

for profit who tints windows within restricted areas of the glazing system shall supply a sticker to be affixed to the driver's door post, in the area adjacent to the manufacturer's identification tag. Installation of this sticker certifies that the glazing application meets this chapter's standards for light transmission, reflectance, and placement requirements. Stickers must be no smaller than three-quarters of an inch by one and one-half inches, and no larger than two inches by two and one-half inches. The stickers must be of sufficient quality to endure exposure to harsh climate conditions. The business name and state tax identification number of the installer must be clearly visible on the sticker.

(b) A greater degree of light reduction is permitted on all windows and the top six inches of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

(c) Windshield application. A greater degree of light reduction is permitted on the top six-inch area of a vehicle's windshield. Clear film sunscreening material that reduces or eliminates ultraviolet light may be applied to windshields.

(d) When film sunscreening material is applied to any window except the windshield, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least two hundred feet to the rear of the vehicle.

(e) The following types of film sunscreening material are not permitted:

- (i) Mirror finish products;
- (ii) Red, gold, yellow, or black material; or
- (iii) Film sunscreening material that is in liquid preapplication form and brushed or sprayed on.

Nothing in this section prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards and the standards of the state patrol for such safety glazing materials.

(6) It is a traffic infraction for any person to operate a vehicle for use on the public highways of this state, if the vehicle is equipped with film sunscreening or coloring material in violation of this section.

(7) Owners of vehicles with film sunscreening material applied to windows to the rear of the driver, prior to June 7, 1990, must comply with the requirements of this section and RCW 46.37.435 by July 1, 1993.

[1993 c 384 § 1; 1990 c 95 § 1; 1989 c 210 § 1; 1987 c 330 § 723; 1986 c 113 § 5; 1985 c 304 § 1; 1979 c 158 § 157; 1969 ex.s. c 281 § 47; 1961 c 12 § 46.37.430. Prior: 1955 c 269 § 43; prior: 1947 c 220 § 1; 1937 c 189 § 40; Rem. Supp. 1947 § 6360-40; RCW 46.36.090.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.435 Sunscreening, unlawful installation, penalty.

From June 7, 1990, a person who installs safety glazing or film suncreening material in violation of RCW 46.37.430 is guilty of unlawful installation of safety glazing or film sunscreening materials. Unlawful installation is a misdemeanor.

[1990 c 95 § 2.]

RCW 46.37.440 Flares or other warning devices required on certain vehicles.

(1) No person may operate any motor truck, passenger bus, truck tractor, motor home, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there is carried in such vehicle the following equipment except as provided in subsection (2) of this section:

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern, or cloth warning flag may be used for the purpose of compliance with this section unless such equipment is of a type which has been submitted to the state patrol and conforms to rules adopted by it. No portable reflector unit may be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state patrol and conforms to rules adopted by it;

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried;

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person may operate at the time and under conditions stated in subsection (1) of this section any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquefied gases, or any motor vehicle using compressed gas as a fuel unless there is carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame.

[1987 c 330 § 724; 1986 c 113 § 6; 1977 ex.s. c 355 § 38; 1971 ex.s. c 97 § 1; 1961 c 12 § 46.37.440. Prior: 1955 c 269 § 44; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.450 Disabled vehicle--Display of warning devices.

(1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall

width, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2) of this section:

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or

any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) Whenever any vehicle, other than those described in subsection (1) of this section, is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality, the state patrol or the county sheriff shall, upon discovery of the disabled vehicle, place a reflectorized warning device on the vehicle. The warning device and its placement shall be in accordance with rules adopted by the state patrol. Neither the standards for, placement or use of, nor the lack of placement or use of a warning device under this subsection gives rise to any civil liability on the part of the state of Washington, the state patrol, any county, or any law enforcement agency or officer.

(7) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto.

[1987 c 330 § 725; 1987 c 226 § 1; 1984 c 119 § 1; 1961 c 12 § 46.37.450. Prior: 1955 c 269 § 45; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]

Notes:

Reviser's note: This section was amended by 1987 c 226 § 1 and by 1987 c 330 § 725, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.465 Fuel system.

(1) The fuel system shall be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public. Fuel tanks shall be equipped with approved caps.

(2) There shall be no signs of leakage from the carburetor or the fuel pump or the fuel hoses in the engine compartment or between the fuel tank and the engine compartment.

(3) No person shall operate any motor vehicle upon the public highways of this state unless the fuel tank is securely attached and so located that another vehicle would not be exposed to direct contact with the fuel tank in the event of a rear end collision.

[1977 ex.s. c 355 § 39.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.467 Alternative fuel source--Placard required.

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source shall bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the chief of the Washington state patrol, through the director of fire protection, shall be required. The chief of the Washington state patrol, through the director of fire protection, shall develop rules for the design, size, and placement of the placard which shall remain effective until a specific placard is issued by the national fire protection association.

[1995 c 369 § 23; 1986 c 266 § 88; 1984 c 145 § 1; 1983 c 237 § 2.]

Notes:

Effective date--1995 c 369: See note following RCW 43.43.930.

Severability--1986 c 266: See note following RCW 38.52.005.

Legislative finding--1983 c 237: "The legislature finds that vehicles using alternative fuel sources such as propane, compressed natural gas, liquid petroleum gas, or other hydrocarbon gas fuels require fire fighters to use a different technique if the vehicles catch fire. A reflective placard on such vehicles would warn fire fighters of the danger so they could react properly." [1983 c 237 § 1.]

RCW 46.37.470 Air-conditioning equipment.

(1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state patrol may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

[1987 c 330 § 726; 1961 c 12 § 46.37.470. Prior: 1955 c 269 § 47.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.480 Television viewers--Earphones.

(1) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle. This subsection does not apply to law enforcement vehicles communicating with mobile computer networks.

(2) No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program.

(3) This section does not apply to authorized emergency vehicles, motorcyclists wearing a helmet with built-in headsets or earphones as approved by the Washington state patrol, or motorists using hands-free, wireless communications systems, as approved by the equipment section of the Washington state patrol.

[1996 c 34 § 1; 1991 c 95 § 1; 1988 c 227 § 6; 1987 c 176 § 1; 1977 ex.s. c 355 § 40; 1961 c 12 § 46.37.480. Prior: 1949 c 196 § 11; Rem. Supp. 1949 § 6360-98d. Formerly RCW 46.36.150.]

Notes:

Severability--1988 c 227: See RCW 46.81A.900.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.490 Safety load chains and devices required.

It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The chief of the Washington state patrol is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

[1987 c 330 § 727; 1961 c 12 § 46.37.490. Prior: 1937 c 189 § 43; RRS § 6360-43; 1927 c 309 § 18; RRS § 6362-18. Formerly RCW 46.36.110.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.495 Safety chains for towing.

(1) "Safety chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining

connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system, as prescribed by rule of the Washington state patrol.

(2) The term "safety chains" includes chains, cables, or wire ropes, or an equivalent flexible member meeting the strength requirements prescribed by rule of the Washington state patrol.

(3) A tow truck towing a vehicle and a vehicle towing a trailer must use safety chains. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

[1995 c 360 § 1.]

Notes:

Tow trucks: Chapter 46.55 RCW.

RCW 46.37.500 Fenders or splash aprons.

(1) Except as authorized under subsection (2) of this section, no person may operate any motor vehicle, trailer, or semitrailer that is not equipped with fenders, covers, flaps, or splash aprons adequate for minimizing the spray or splash of water or mud from the roadway to the rear of the vehicle. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(2) A motor vehicle that is not less than forty years old or a street rod vehicle that is owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

[1999 c 58 § 2; 1988 c 15 § 2; 1977 ex.s. c 355 § 41; 1961 c 12 § 46.37.500. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.36.130 (second paragraph).]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.505 Child passenger restraint systems.

The state patrol shall adopt standards for the performance, design, and installation of passenger restraint systems for children less than five years old and shall approve those systems which meet its standards.

[1987 c 330 § 728; 1983 c 215 § 1.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1983 c 215: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 215 § 3.]

Child passenger restraint required: RCW 46.61.687.

RCW 46.37.510 Seat belts and shoulder harnesses.

(1) No person may sell any automobile manufactured or assembled after January 1, 1964, nor may any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner conforming to rules adopted by the state patrol. Where registration is for transfer from an out-of-state license, the applicant shall be informed of this section by the issuing agent and has thirty days to comply. The state patrol shall adopt and enforce standards as to what constitutes adequate and safe seat belts and for the fastening and installation of them. Such standards shall not be below those specified as minimum requirements by the Society of Automotive Engineers on June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The state patrol shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person may distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications conforming to rules adopted by the state patrol or the United States department of transportation.

[1987 c 330 § 729; 1986 c 113 § 7; 1977 ex.s. c 355 § 42; 1963 c 117 § 1.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Safety belts, use required: RCW 46.61.688.

RCW 46.37.513 Bumpers.

When any motor vehicle was originally equipped with bumpers or any other collision energy absorption or attenuation system, that system shall be maintained in good operational condition, and no person shall remove or disconnect, and no owner shall cause or knowingly permit the removal or disconnection of, any part of that system except temporarily in order to make repairs, replacements, or adjustments.

[1977 ex.s. c 355 § 43.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.517 Body and body hardware.

(1) The body, fenders, and bumpers shall be maintained without protrusions which could be hazardous to pedestrians. In addition, the bumpers shall be so attached and maintained so as to not protrude beyond the original bumper line.

(2) The hood, hood latches, hood fastenings, doors, and door latches shall be maintained in a condition sufficient to ensure proper working equal to that at the time of original vehicle manufacture.

[1977 ex.s. c 355 § 44.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.
Lowering vehicle below legal clearance: RCW 46.61.680.

RCW 46.37.518 Street rods and kit vehicles.

Notwithstanding the requirements of this chapter, hoods and bumpers are optional equipment on street rods and kit vehicles. Street rods and kit vehicles must comply with fender requirements under RCW 46.37.500(2) and the windshield requirement of RCW 46.37.410(1).

[1996 c 225 § 12.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.37.520 Beach vehicles with soft tires--"Dune buggies"--Inspection and approval required--Fee.

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state patrol, which may charge a reasonable fee therefor to go into the motor vehicle fund.

[1987 c 330 § 730; 1971 ex.s. c 91 § 4; 1965 ex.s. c 170 § 61.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.522 Motorcycles and motor-driven cycles--When head lamps and tail lamps to be lighted.

Every motorcycle and motor-driven cycle shall have its head lamps and tail lamps lighted whenever such vehicle is in motion upon a highway.

[1977 ex.s. c 355 § 45.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.523 Motorcycles and motor-driven cycles--Head lamps.

(1) Every motorcycle and every motor-driven cycle shall be equipped with at least one lamp which shall comply with the requirements and limitations of this section.

(2) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2).

(3) Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.

(4) Such equipment shall:

(a) Reveal persons and vehicles at a distance of at least three hundred feet ahead when the uppermost distribution of light is selected;

(b) Reveal persons and vehicles at a distance of at least one hundred fifty feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

[1977 ex.s. c 355 § 46.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.524 Motor-driven cycles--Head lamps.

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every such head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour;

(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in RCW 46.37.220(1), and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in RCW 46.37.220;

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the

center of the lamp from which it comes.

[1977 ex.s. c 355 § 47.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.525 Motorcycles and motor-driven cycles--Tail lamps, reflectors, and stop lamps.

(1) Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than seventy-two nor less than fifteen inches.

(2) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(3) Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one red reflector meeting the requirements of RCW 46.37.060.

(4) Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of RCW 46.37.070.

[1977 ex.s. c 355 § 48.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.527 Motorcycles and motor-driven cycles--Brake requirements.

Every motorcycle and motor-driven cycle must comply with the provisions of RCW 46.37.351, except that:

(1) Motorcycles and motor-driven cycles need not be equipped with parking brakes;

(2) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes, if such motorcycle or motor-driven cycle is otherwise capable of complying with the braking performance requirements of RCW 46.37.528 and 46.37.529;

(3) Motorcycles shall be equipped with brakes operating on both the front and rear wheels unless the vehicle was originally manufactured without both front and rear brakes: PROVIDED, That a front brake shall not be required on any motorcycle over twenty-five years old which was originally manufactured without a front brake and which has been restored to its original condition and is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show or other such assemblage: PROVIDED FURTHER, That no front brake shall be required on any motorcycle manufactured prior to January 1, 1931.

[1982 c 77 § 6; 1977 ex.s. c 355 § 49.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1982 c 77: See note following RCW 46.20.500.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.528 Motorcycles and motor-driven cycles--Performance ability of brakes.

Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than forty-three and one-half percent of its gross weight;

(2) Decelerating to a stop from not more than twenty miles per hour at not less than fourteen feet per second per second; and

(3) Stopping from a speed of twenty miles per hour in not more than thirty feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

[1977 ex.s. c 355 § 50.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.529 Motor-driven cycles--Braking system inspection.

(1) The state patrol is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state patrol determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state patrol has disapproved the braking system upon such vehicle.

[1987 c 330 § 731; 1979 c 158 § 158; 1977 ex.s. c 355 § 51.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.530 Motorcycles, motor-driven cycles, mopeds, electric-assisted bicycles--Helmets, other equipment--Children--Rules.

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the state patrol except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

[1997 c 328 § 4; 1990 c 270 § 7. Prior: 1987 c 454 § 1; 1987 c 330 § 732; 1986 c 113 § 8; 1982 c 77 § 7; 1977 ex.s. c 355 § 55; 1971 ex.s. c 150 § 1; 1969 c 42 § 1; 1967 c 232 § 4.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Short title--1990 c 270: See RCW 43.70.440.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1982 c 77: See note following RCW 46.20.500.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Maximum height for handlebars: RCW 46.61.611.

Riding on motorcycles: RCW 46.61.610.

RCW 46.37.535 Motorcycles, motor-driven cycles, or mopeds--Helmet requirements when rented.

It is unlawful for any person to rent out motorcycles, motor-driven cycles, or mopeds unless the person also has on hand for rent helmets of a type conforming to rules adopted by the state patrol.

It shall be unlawful for any person to rent a motorcycle, motor-driven cycle, or moped unless the person has in his or her possession a helmet of a type approved by the state patrol, regardless of from whom the helmet is obtained.

[1990 c 270 § 8; 1987 c 330 § 733; 1986 c 113 § 9; 1977 ex.s. c 355 § 56; 1967 c 232 § 10.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Short title--1990 c 270: See RCW 43.70.440.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

License requirement for person renting motorcycle: RCW 46.20.220.

RCW 46.37.537 Motorcycles--Exhaust system.

No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by this section, or which has been amplified as prohibited by this section.

[1977 ex.s. c 355 § 52.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.539 Motorcycles and motor-driven cycles--Additional requirements and limitations.

Every motorcycle and every motor-driven cycle shall also comply with the requirements and limitations of:

RCW 46.37.380 on horns and warning devices;

RCW 46.37.390 on mufflers and prevention of noise;

RCW 46.37.400 on mirrors; and

RCW 46.37.420 on tires.

[1977 ex.s. c 355 § 53.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.540 Odometers--Disconnecting, resetting, or turning back prohibited.

It shall be unlawful for any person to disconnect, turn back, or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

[1983 c 3 § 119; 1969 c 112 § 2.]

Notes:

Motor vehicle dealers, unlawful acts and practices: RCW 46.70.180.

RCW 46.37.550 Odometers--Selling motor vehicle knowing odometer turned back unlawful.

It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been turned back and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been turned back or that he had reason to believe that the odometer has been turned back.

[1969 c 112 § 3.]

RCW 46.37.560 Odometers--Selling motor vehicle knowing odometer replaced unlawful.

It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been replaced with another odometer and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been replaced or that he believes the odometer to have been replaced.

[1969 c 112 § 4.]

RCW 46.37.570 Odometers--Selling, advertising, using, or installing device registering false mileage.

It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that driven by the car as registered by the odometer within the manufacturer's designed tolerance.

[1969 c 112 § 5.]

RCW 46.37.590 Odometers--Purchaser plaintiff to recover costs and attorney's fee, when.

In any suit brought by the purchaser of a motor vehicle against the seller of such vehicle, the purchaser shall be entitled to recover his court costs and a reasonable attorney's fee fixed by the court, if: (1) The suit or claim is based substantially upon the purchaser's allegation that the odometer on such vehicle has been tampered with contrary to RCW 46.37.540 and 46.37.550 or replaced contrary to RCW 46.37.560; and (2) it is found in such suit that the seller of such vehicle or any of his employees or agents knew or had reason to know that the odometer on such vehicle had been so tampered with or replaced and failed to disclose such knowledge to the purchaser prior to the time of sale.

[1975 c 24 § 1; 1969 c 112 § 7.]

RCW 46.37.600 Liability of operator, owner, lessee for violations.

Whenever an act or omission is declared to be unlawful in chapter 46.37 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

[1980 c 104 § 4; 1969 ex.s. c 69 § 3.]

RCW 46.37.610 Wheelchair conveyance standards.

The state patrol shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction.

[1987 c 330 § 734; 1983 c 200 § 4.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definition: RCW 46.04.710.

licensing: RCW 46.16.640.

operator's license: RCW 46.20.109.

public roadways, operating on: RCW 46.61.730.

RCW 46.37.620 School buses--Crossing arms.

Effective September 1, 1992, every school bus shall, in addition to any other equipment

required by this chapter, be equipped with a crossing arm mounted to the bus that, when extended, will require students who are crossing in front of the bus to walk more than five feet from the front of the bus.

[1991 c 166 § 1.]

RCW 46.37.630 Private school buses.

A private school bus is subject to the requirements set forth in the National Standards for School Buses established by the national safety council in effect at the time of the bus manufacture, as adopted by rule by reference by the chief of the Washington state patrol. A private school bus manufactured before 1980 must meet the minimum standards set forth in the 1980 edition of the National Standards for School Buses.

[1995 c 141 § 3.]

**Chapter 46.38 RCW
VEHICLE EQUIPMENT SAFETY COMPACT**

Sections

| | |
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RCW 46.38.010 Compact enacted--Provisions.

The vehicle equipment safety compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments, is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

VEHICLE EQUIPMENT SAFETY COMPACT

ARTICLE I--Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and

economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II--Definitions

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

ARTICLE III--The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the Commission. The Commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the Commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the Commission in such form as the Commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the Commission for expenses actually incurred in attending Commission meetings or while engaged in the business

of the Commission.

(b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The Commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer shall be bonded in such amount as the Commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the Commission shall elect a Secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the Commission, or the Commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel.

(f) The Commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the Commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize, and dispose of the same.

(i) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all Commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The Commission annually shall make to the governor and legislature of each party

state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been issued by the Commission. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV--Research and Testing

The Commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the Commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V--Vehicular Equipment

(a) In the interest of vehicular and public safety, the Commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the Commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the Commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the Commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the Commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the Commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of

the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any Commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the Commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the Commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the Commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

ARTICLE VI--Finance

(a) The Commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the Commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article III (h) hereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled

by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the Commission.

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

(f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VII--Conflict of Interest

(a) The Commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the Commission and contractors with the Commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a Commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the Commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the Commission subject to cancellation by the Commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the Commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the Commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII--Advisory and Technical Committees

The Commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX--Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X--Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

[1963 c 204 § 1.]

RCW 46.38.020 Legislative findings.

The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state patrol, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

[1987 c 330 § 735; 1963 c 204 § 2.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.38.030 Effective date of rules, etc. of vehicle safety equipment commission.

Pursuant to Article V(e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in

accordance with the administrative procedure act by the state patrol.

[1987 c 330 § 736; 1967 ex.s. c 145 § 57; 1963 c 204 § 3.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.38.040 Appointment of commissioner and alternate commissioner.

The commissioner of this state on the vehicle equipment safety commission shall be appointed by the chief of the state patrol to serve at the chief's pleasure. The chief of the state patrol may also designate an alternate commissioner to serve whenever the commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the chief of the state patrol.

[1987 c 330 § 737; 1963 c 204 § 4.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.38.050 Cooperation of state agencies with vehicle equipment safety commission.

Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the vehicle equipment safety commission within the scope contemplated by Article III(h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission.

[1963 c 204 § 5.]

RCW 46.38.060 State officers for the filing of documents and receipt of notices.

Filing of documents as required by Article III(j) of the compact shall be with the chief of the state patrol. Any and all notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this state, his alternate, if any, and the chief of the state patrol.

[1987 c 330 § 738; 1963 c 204 § 6.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.38.070 Vehicle equipment safety commission to submit budgets to director of financial management.

Pursuant to Article VI(a) of the compact, the vehicle equipment safety commission shall submit its budgets to the director of financial management.

[1979 c 151 § 160; 1963 c 204 § 7.]

RCW 46.38.080 State auditor to inspect accounts of vehicle equipment safety commission.

Pursuant to Article VI(e) of the compact, the state auditor is hereby empowered and authorized to inspect the accounts of the vehicle equipment safety commission.

[1963 c 204 § 8.]

RCW 46.38.090 Withdrawal from compact, "executive head" defined.

The term "executive head" as used in Article IX(b) of the compact shall, with reference to this state, mean the governor.

[1963 c 204 § 9.]

**Chapter 46.39 RCW
INTERSTATE COMPACT FOR SCHOOL BUS SAFETY**

Sections

| | |
|-----------|--|
| 46.39.010 | Compact enacted--Provisions. |
| 46.39.020 | Designation of Washington state commissioners. |

RCW 46.39.010 Compact enacted--Provisions.

The "Interstate Compact for School Bus Safety" is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

INTERSTATE COMPACT FOR
SCHOOL BUS SAFETY

ARTICLE I
FINDINGS AND PURPOSES

(a) The party states find that:

(1) School transportation is an integral part of our education systems. The increasing volume of traffic on streets and highways, with larger numbers of school children being transported each year, presents a serious problem in safety that requires regulation and control.

(2) During recent years the various states have each developed their own rules,

regulations and standards which govern the operation of school buses in the individual states, thus creating vast differences in construction standards and operational procedures.

(3) Standardization by means of interstate cooperation, exchange of information, and the promulgation of uniform practices among the states can do much to mitigate present hazards and at the same time generate cost reductions and improved service.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for school bus equipment.

(2) Secure uniformity of law and administrative practices in school bus vehicle regulation and related safety standards, incorporating desirable equipment changes in the interest of greater school bus safety.

(3) Establish a means whereby the states party to this compact shall jointly agree on certain school bus minimum standards and procedures including, without limitation by the enumeration, the following:

(i) Items which affect the motorist, such as use of lights, signs, and signaling devices that control traffic;

(ii) Procedural activities of school bus drivers in controlling traffic; and in the loading and unloading of buses;

(iii) Construction and other specifications which can lead to lower initial costs and the interchangeability of school buses among states;

(iv) A framework within which the party states may develop uniform driver training programs; and

(v) Development of accurate and uniform accident statistical reporting among the party states.

(4) Encourage and utilize research which will facilitate achievement of the foregoing purposes, with due regard for the findings set forth in subsection (a) of this Article.

(5) It is recognized that there are inherent differences in transportation needs in each of the party states. It shall not be the purpose of this compact to abridge, impair or adversely affect the jurisdiction or authority of the individual states to regulate and control their own school transportation systems.

(6) Investigate the safety and economic advantage of children being transported.

ARTICLE II DEFINITIONS

(a) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other special commonwealth as may be established by the Government of the United States.

(b) "School bus" shall have the same meaning as provided in RCW 46.04.521.

(c) "Equipment" means the equipment required for school buses under chapter 46.37 RCW.

ARTICLE III

THE COMMISSION

(a) There is hereby created an agency of the party states to be known as the "Western States School Bus Safety Commission" (hereinafter called the Commission). The Commission shall consist of not less than one nor more than three commissioners from each State, each of whom shall be a citizen of the State from which he is appointed, and not less than one or nor more than three commissioners representing the United States Government. The commissioners from each State shall be chosen in the manner and for the terms provided by the laws of the States from which they shall be appointed, provided that at least one member shall be appointed from the State agency which has primary responsibility for pupil transportation in that State. Any commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed. The commissioners representing the United States shall be appointed by the President of the United States, or in such other manner as may be provided by Congress. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incidental to the performance of their duties; but nothing herein shall prevent the appointment of an officer or employee of any State or of the United States Government.

(b) Each state delegation shall be entitled to one vote, and the presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the Commission. A majority vote of the quorum will be required to adopt any measure before the Commission. The commissioners representing the United States Government shall act in an advisory capacity and shall not have voting powers.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Commission shall appoint an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, shall be bonded in such amounts as the Commission may require.

(e) The Executive Director, with the approval of the Commission, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The Commission may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(i) The Commission shall adopt bylaws, rules, and regulations for the conduct of its

business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Commission shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(j) The Commission annually shall make to the governor and the legislature of each party state, a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable.

ARTICLE IV FUNCTIONS AND ACTIVITIES

(a) The Commission shall have power to perform the following functions and activities that relate to school bus transportation:

(1) Recommend and encourage research, testing and training activities to the extent the Commission finds necessary.

(2) Contract for research, testing and training activities on behalf of the Commission itself or for one or more governmental agencies if they provide special funding for that purpose.

(3) Engage directly in such activities to the extent approved by the Commission.

(4) Recommend to the party states of needed changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination of school bus construction, equipment, safety programs, and school bus driver training.

(5) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(6) Each party state, recognizing that to carry out the intent of this compact, obligates itself to adopt in identical terms, all rules, regulations and specifications which are standardized through due process to the States.

(b) The Commission may establish such advisory and technical committees as may be necessary, membership on which may include public officials and private citizens. The Commission may also cooperate with other governmental agencies and interstate organizations and with organizations representing the private sector.

ARTICLE V FINANCE

(a) Moneys necessary to finance the Commission in carrying out its duties shall be provided through appropriations from the states party to this compact, said payments to be in direct proportion to the number of school buses registered in the respective party states. The initial rate of payment shall be figured at \$0.50 per bus, provided that no state shall contribute less than \$500.00 per annum. The annual contribution of each state above the minimum shall be

figured to the nearest one hundred dollars. Subsequent budgets shall be determined by the Commission, and the cost thereof allocated in the same proportion as the initial budget.

(b) The Commission may accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional and otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize and dispose of the same.

ARTICLE VI ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into immediate force and effect as to any state when enacted by it into law, and such state shall thereafter be a party thereto with any and all states joining therein.

(b) It is the purpose of this compact to provide the necessary legal basis for implementation and adoption by each party state of the standardized rules, regulations and specifications as adopted by the Commission. Consistent with the laws of each party state, there shall be a "compact administrator" who, acting jointly with like officials of other party states, shall promulgate necessary rules, regulations and specifications within that state to carry out the actions and directives of the Commission.

(c) Any state party to this compact may, by legislative act after one year's notice to the Commission, withdraw from the compact. The compact may also be terminated at any time by the unanimous agreement of the several party states. Withdrawal shall not relieve a state from its obligations hereunder prior to the effective withdrawal date.

(d) If any state shall at any time default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state and its members on the Commission shall be suspended after the date of such default. Such suspension shall in no manner release such defaulting state from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

ARTICLE VII SEVERABILITY

(a) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any other state, agency, person or circumstances shall not be affected thereby. It is the legislative intent that the provisions of this compact be reasonably and liberally construed.

[1977 ex.s. c 88 § 1.]

RCW 46.39.020 Designation of Washington state commissioners.

The Washington state commissioners to the western states school bus safety commission shall be the secretary of transportation, the superintendent of public instruction, and the chief of the Washington state patrol or their respective designees. Annually the Washington commissioners shall elect a chairman from their own membership who shall serve for one year commencing July 1st. Election as chairman shall not interfere with the member's right to vote on all matters before the Washington commissioners. The Washington commissioners may by majority vote designate one of their members to represent the state on any matter coming before the Western states school bus safety commission.

[1984 c 7 § 51; 1977 ex.s. c 88 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

**Chapter 46.44 RCW
SIZE, WEIGHT, LOAD**

Sections

| | |
|------------|--|
| 46.44.010 | Outside width limit. |
| 46.44.015 | Tow truck exemptions. |
| 46.44.020 | Maximum height--Impaired clearance signs. |
| 46.44.030 | Maximum lengths. |
| 46.44.034 | Maximum lengths--Front and rear protrusions. |
| 46.44.036 | Combination of units--Limitation. |
| 46.44.037 | Combination of units--Lawful operations. |
| 46.44.041 | Maximum gross weights--Wheelbase and axle factors. |
| 46.44.042 | Maximum gross weights--Axle and tire factors. |
| 46.44.043 | Cement trucks--Axle loading controls. |
| 46.44.047 | Excess weight--Logging trucks--Special permits--County or city permits--Fees--Discretion of arresting officer. |
| 46.44.049 | Effect of weight on highways--Study authorized. |
| 46.44.050 | Minimum length of wheelbase. |
| 46.44.060 | Outside load limits for passenger vehicles. |
| 46.44.070 | Drawbar requirements--Trailer whipping or weaving--Towing flag. |
| 46.44.080 | Local regulations--State highway regulations. |
| 46.44.090 | Special permits for oversize or overweight movements. |
| 46.44.091 | Special permits--Gross weight limit. |
| 46.44.092 | Special permits--Overall width limits, exceptions--Application for permit. |
| 46.44.093 | Special permits--Discretion of issuer--Conditions. |
| 46.44.0941 | Special permits--Fees. |
| 46.44.095 | Temporary additional tonnage permits--Fees. |
| 46.44.096 | Special permits--Determining fee--To whom paid. |

| | |
|-----------|--|
| 46.44.098 | Increase in federal limits on sizes and weights--Increases by commission. |
| 46.44.105 | Enforcement procedures--Penalties--Rules. |
| 46.44.110 | Liability for damage to highways, bridges, etc. |
| 46.44.120 | Liability of owner, others, for violations. |
| 46.44.130 | Farm implements--Gross weight and size limitation exception--Penalty. |
| 46.44.140 | Farm implements--Special permits--Penalty. |
| 46.44.150 | Highway improvement vehicles--Gross weight limit excesses authorized--Limitations. |
| 46.44.170 | Mobile home movement special permit and decal--Certification of taxes paid--License plates--Rules. |
| 46.44.173 | Notice to treasurer and assessor of county where mobile home to be located. |
| 46.44.175 | Penalties--Hearing. |
| 46.44.180 | Operation of mobile home pilot vehicle without insurance unlawful--Amounts--Exception--Penalty. |
| 46.44.190 | Fire-fighting apparatus. |

NOTES:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Traffic infractions--Monetary penalty schedule--IRLJ 6.2.

Auto transportation companies: Chapter 81.68 RCW.

Permitting escape of load materials: RCW 46.61.655.

RCW 46.44.010 Outside width limit.

The total outside width of any vehicle or load thereon shall not exceed eight and one-half feet: PROVIDED, That no rear vision mirror may extend more than five inches beyond the extreme limits of the body: PROVIDED FURTHER, That excluded from this calculation of width are safety appliances such as clearance lights, rub rails, flexible fender extensions, mud flaps, and splash and spray suppressant devices, and appurtenances such as door handles, door hinges, and turning signal brackets and such other safety appliances and appurtenances as the department may determine are necessary for the safe and efficient operation of motor vehicles: AND PROVIDED FURTHER, That no appliances or appurtenances may extend more than three inches beyond the extreme limits of the body.

[1997 c 63 § 1; 1983 c 278 § 1; 1961 c 12 § 46.44.010. Prior: 1947 c 200 § 4; 1937 c 189 § 47; Rem. Supp. 1947 § 6360-47; 1923 c 181 § 4, part; RRS § 6362-8, part.]

RCW 46.44.015 Tow truck exemptions.

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.041, 46.44.042, 46.44.050, and 46.44.080 do not apply to the movement of a tow truck, as defined in RCW 46.55.010, if the tow truck is performing the initial tow truck service, as defined in RCW 46.55.010, regardless of the destination, for a vehicle disabled on the public streets and highways of this state: PROVIDED, That an overweight permit has been obtained by the tow truck operator with such permit being available on a twenty-four hour basis by telephone.

[1991 c 276 § 1.]

RCW 46.44.020 Maximum height--Impaired clearance signs.

It is unlawful for any vehicle unladen or with load to exceed a height of fourteen feet above the level surface upon which the vehicle stands. This height limitation does not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section do not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where the vehicle or combination of vehicles is being operated; and no liability may attach to the state or to any county, city, town, or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is fourteen feet or more; or, where the vertical clearance is less than fourteen feet, if impaired clearance signs of a design approved by the state department of transportation are erected and maintained on the right side of any such public highway in accordance with the manual of uniform traffic control devices for streets and highways as adopted by the state department of transportation under chapter 47.36 RCW. If any structure over or across any public highway is not owned by the state or by a county, city, town, or other political subdivision, it is the duty of the owner thereof when billed therefor to reimburse the state department of transportation or the county, city, town, or other political subdivision having jurisdiction over the highway for the actual cost of erecting and maintaining the impaired clearance signs, but no liability may attach to the owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

[1984 c 7 § 52; 1977 c 81 § 1; 1975-'76 2nd ex.s. c 64 § 7; 1971 ex.s. c 248 § 1; 1965 c 43 § 1; 1961 c 12 § 46.44.020. Prior: 1959 c 319 § 26; 1955 c 384 § 1; 1953 c 125 § 1; 1951 c 269 § 20; 1937 c 189 § 48; RRS § 6360-48.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.030 Maximum lengths.

It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of forty feet. This restriction does not apply to (1) a municipal transit vehicle, (2) auto stage, private carrier bus, school bus, or motor home with an overall length not to exceed forty-six feet, or (3) an articulated auto stage with an overall length not to exceed sixty-one feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a tractor and semitrailer that has a semitrailer length in excess of fifty-three feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds sixty-one feet, with or without load.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or log truck and stinger-steered pole trailer, with an overall length, with or without load, in excess of seventy-five feet. However, a combination of vehicles

transporting automobiles or boats may have a front overhang of three feet and a rear overhang of four feet beyond this allowed length. "Stinger-steered," as used in this section, means the coupling device is located behind the tread of the tires of the last axle of the towing vehicle.

These length limitations do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties, but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

The length limitations described in this section are exclusive of safety and energy conservation devices, such as mud flaps and splash and spray suppressant devices, refrigeration units or air compressors, and other devices that the department determines to be necessary for safe and efficient operation of commercial vehicles. No device excluded under this paragraph from the limitations of this section may have, by its design or use, the capability to carry cargo.

[2000 c 102 § 1; 1995 c 26 § 1; 1994 c 59 § 2; 1993 c 301 § 1; 1991 c 113 § 1; 1990 c 28 § 1; 1985 c 351 § 1; 1984 c 104 § 1; 1983 c 278 § 2; 1979 ex.s. c 113 § 4; 1977 ex.s. c 64 § 1; 1975-'76 2nd ex.s. c 53 § 1; 1974 ex.s. c 76 § 2; 1971 ex.s. c 248 § 2; 1967 ex.s. c 145 § 61; 1963 ex.s. c 3 § 52; 1961 ex.s. c 21 § 36; 1961 c 12 § 46.44.030. Prior: 1959 c 319 § 25; 1957 c 273 § 14; 1951 c 269 § 22; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

Notes:

Effective date--1995 c 26: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995." [1995 c 26 § 2.]

Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.44.034 Maximum lengths--Front and rear protrusions.

(1) The load, or any portion of any vehicle, operated alone upon the public highway of this state, or the load, or any portion of the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper. This subsection does not apply to a front-loading garbage truck or recycling truck while on route and actually engaged in the collection of solid waste or recyclables at speeds of twenty miles per hour or less.

(2) No vehicle shall be operated upon the public highways with any part of the permanent structure or load extending in excess of fifteen feet beyond the center of the last axle of such vehicle. This subsection does not apply to "specialized equipment" designated under 49 U.S.C. Sec. 2311 that is operated on the interstate highway system, those designated portions of the federal-aid primary system, and routes constituting reasonable access from such highways to terminals and facilities for food, fuel, repairs, and rest.

[1997 c 191 § 1; 1991 c 143 § 1; 1961 c 12 § 46.44.034. Prior: 1957 c 273 § 15; 1951 c 269 § 24; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

RCW 46.44.036 Combination of units--Limitation.

Except as provided in RCW 46.44.037, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer or pole trailer combination in such a way that it supports a proportional share of the load of the semitrailer or pole trailer shall not be deemed a separate vehicle but shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but shall be considered a part of the trailer.

[1975-'76 2nd ex.s. c 64 § 8; 1961 c 12 § 46.44.036. Prior: 1955 c 384 § 2; 1951 c 269 § 23; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.037 Combination of units--Lawful operations.

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state department of transportation, operation of the following combinations is lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this combination a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination not exceeding seventy-five feet in overall length consisting of four trucks or truck tractors used in driveaway service where three of the vehicles are towed by the fourth in triple saddlemount position;

(3) A combination consisting of a truck tractor carrying a freight compartment no longer than eight feet, a semitrailer, and another semitrailer or full trailer that meets the legal length requirement for a truck and trailer combination set forth in RCW 46.44.030.

[1991 c 143 § 2; 1985 c 351 § 2; 1984 c 7 § 53; 1979 ex.s. c 149 § 3; 1975-'76 2nd ex.s. c 64 § 9; 1965 ex.s. c 170 § 37; 1963 ex.s. c 3 § 53; 1961 c 12 § 46.44.037. Prior: 1957 c 273 § 16; 1955 c 384 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.041 Maximum gross weights--Wheelbase and axle factors.

No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets

of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

| Dis- tance in feet between the ex- tremes of any group of 2 or more consecu- tive axles | Maximum load in pounds carried on any group of 2 or more consecutive axles | | | | | | | | | |
|---|--|------------|------------|------------|------------|------------|------------|------------|--|--|
| | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles | 8 axles | 9 axles | | |
| 4 | 34,000 | | | | | | | | | |
| 5 | 34,000 | | | | | | | | | |
| 6 | 34,000 | | | | | | | | | |
| 7 | 34,000 | | | | | | | | | |
| 8 & less | 34,000 | 34,000 | | | | | | | | |
| more than 8 | 38,000 | 42,000 | | | | | | | | |
| 9 | 39,000 | 42,500 | | | | | | | | |
| 10 | 40,000 | 43,500 | | | | | | | | |
| 11 | | 44,000 | | | | | | | | |
| 12 | | 45,000 | 50,000 | | | | | | | |
| 13 | | 45,500 | 50,500 | | | | | | | |
| 14 | | 46,500 | 51,500 | | | | | | | |
| 15 | | 47,000 | 52,000 | | | | | | | |
| 16 | | 48,000 | 52,500 | 58,000 | | | | | | |
| 17 | | 48,500 | 53,500 | 58,500 | | | | | | |
| 18 | | 49,500 | 54,000 | 59,000 | | | | | | |
| 19 | | 50,000 | 54,500 | 60,000 | | | | | | |
| 20 | | 51,000 | 55,500 | 60,500 | 66,000 | | | | | |
| 21 | | 51,500 | 56,000 | 61,000 | 66,500 | | | | | |
| 22 | | 52,500 | 56,500 | 61,500 | 67,000 | | | | | |
| 23 | | 53,000 | 57,500 | 62,500 | 68,000 | | | | | |
| 24 | | 54,000 | 58,000 | 63,000 | 68,500 | 74,000 | | | | |
| 25 | | 54,500 | 58,500 | 63,500 | 69,000 | 74,500 | | | | |
| 26 | | 55,500 | 59,500 | 64,000 | 69,500 | 75,000 | | | | |
| 27 | | 56,000 | 60,000 | 65,000 | 70,000 | 75,500 | | | | |
| 28 | | 57,000 | 60,500 | 65,500 | 71,000 | 76,500 | 82,000 | | | |
| 29 | | 57,500 | 61,500 | 66,000 | 71,500 | 77,000 | 82,500 | | | |
| 30 | | 58,500 | 62,000 | 66,500 | 72,000 | 77,500 | 83,000 | | | |
| 31 | | 59,000 | 62,500 | 67,500 | 72,500 | 78,000 | 83,500 | | | |

Revised Code of Washington 2001

Dis-
tance
in feet
between
the ex-
tremes
of any
group
of 2
or more
consecu-
tive
axles

Maximum load in pounds carried
on any group of 2 or more
consecutive axles

| | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles | 8 axles | 9 axles |
|----|------------|------------|------------|------------|------------|------------|------------|------------|
| 32 | | 60,000 | 63,500 | 68,000 | 73,000 | 78,500 | 84,500 | 90,000 |
| 33 | | | 64,000 | 68,500 | 74,000 | 79,000 | 85,000 | 90,500 |
| 34 | | | 64,500 | 69,000 | 74,500 | 80,000 | 85,500 | 91,000 |
| 35 | | | 65,500 | 70,000 | 75,000 | 80,500 | 86,000 | 91,500 |
| 36 | | | 66,000 | 70,500 | 75,500 | 81,000 | 86,500 | 92,000 |
| 37 | | | 66,500 | 71,000 | 76,000 | 81,500 | 87,000 | 93,000 |
| 38 | | | 67,500 | 71,500 | 77,000 | 82,000 | 87,500 | 93,500 |
| 39 | | | 68,000 | 72,500 | 77,500 | 82,500 | 88,500 | 94,000 |
| 40 | | | 68,500 | 73,000 | 78,000 | 83,500 | 89,000 | 94,500 |
| 41 | | | 69,500 | 73,500 | 78,500 | 84,000 | 89,500 | 95,000 |
| 42 | | | 70,000 | 74,000 | 79,000 | 84,500 | 90,000 | 95,500 |
| 43 | | | 70,500 | 75,000 | 80,000 | 85,000 | 90,500 | 96,000 |
| 44 | | | 71,500 | 75,500 | 80,500 | 85,500 | 91,000 | 96,500 |
| 45 | | | 72,000 | 76,000 | 81,000 | 86,000 | 91,500 | 97,500 |
| 46 | | | 72,500 | 76,500 | 81,500 | 87,000 | 92,500 | 98,000 |
| 47 | | | 73,500 | 77,500 | 82,000 | 87,500 | 93,000 | 98,500 |
| 48 | | | 74,000 | 78,000 | 83,000 | 88,000 | 93,500 | 99,000 |
| 49 | | | 74,500 | 78,500 | 83,500 | 88,500 | 94,000 | 99,500 |
| 50 | | | 75,500 | 79,000 | 84,000 | 89,000 | 94,500 | 100,000 |
| 51 | | | 76,000 | 80,000 | 84,500 | 89,500 | 95,000 | 100,500 |
| 52 | | | 76,500 | 80,500 | 85,000 | 90,500 | 95,500 | 101,000 |
| 53 | | | 77,500 | 81,000 | 86,000 | 91,000 | 96,500 | 102,000 |
| 54 | | | 78,000 | 81,500 | 86,500 | 91,500 | 97,000 | 102,500 |
| 55 | | | 78,500 | 82,500 | 87,000 | 92,000 | 97,500 | 103,000 |
| 56 | | | 79,500 | 83,000 | 87,500 | 92,500 | 98,000 | 103,500 |
| 57 | | | 80,000 | 83,500 | 88,000 | 93,000 | 98,500 | 104,000 |
| 58 | | | | 84,000 | 89,000 | 94,000 | 99,000 | 104,500 |
| 59 | | | | 85,000 | 89,500 | 94,500 | 99,500 | 105,500 |
| 60 | | | | 85,500 | 90,000 | 95,000 | 100,500 | 105,500 |
| 61 | | | | 86,000 | 90,500 | 95,500 | 101,000 | 105,500 |
| 62 | | | | 86,500 | 91,000 | 96,000 | 101,500 | 105,500 |
| 63 | | | | 87,500 | 92,000 | 96,500 | 102,000 | 105,500 |
| 64 | | | | 88,000 | 92,500 | 97,500 | 102,500 | 105,500 |
| 65 | | | | 88,500 | 93,000 | 98,000 | 103,000 | 105,500 |
| 66 | | | | 89,000 | 93,500 | 98,500 | 103,500 | 105,500 |

Revised Code of Washington 2001

Dis-
tance
in feet
between
the ex-
tremes
of any
group
of 2
or more
consecu-
tive
axles

Maximum load in pounds carried
on any group of 2 or more
consecutive axles

| | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles | 8 axles | 9 axles |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 67 | | | | 90,000 | 94,000 | 99,000 | 104,500 | 105,500 |
| 68 | | | | 90,500 | 95,000 | 99,500 | 105,000 | 105,500 |
| 69 | | | | 91,000 | 95,500 | 100,000 | 105,500 | 105,500 |
| 70 | | | | 91,500 | 96,000 | 101,000 | 105,500 | 105,500 |
| 71 | | | | 92,500 | 96,500 | 101,500 | 105,500 | 105,500 |
| 72 | | | | 93,000 | 97,000 | 102,000 | 105,500 | 105,500 |
| 73 | | | | 93,500 | 98,000 | 102,500 | 105,500 | 105,500 |
| 74 | | | | 94,000 | 98,500 | 103,000 | 105,500 | 105,500 |
| 75 | | | | 95,000 | 99,000 | 103,500 | 105,500 | 105,500 |
| 76 | | | | 95,500 | 99,500 | 104,500 | 105,500 | 105,500 |
| 77 | | | | 96,000 | 100,000 | 105,000 | 105,500 | 105,500 |
| 78 | | | | 96,500 | 101,000 | 105,500 | 105,500 | 105,500 |
| 79 | | | | 97,500 | 101,500 | 105,500 | 105,500 | 105,500 |
| 80 | | | | 98,000 | 102,000 | 105,500 | 105,500 | 105,500 |
| 81 | | | | 98,500 | 102,500 | 105,500 | 105,500 | 105,500 |
| 82 | | | | 99,000 | 103,000 | 105,500 | 105,500 | 105,500 |
| 83 | | | | 100,000 | 104,000 | 105,500 | 105,500 | 105,500 |
| 84 | | | | | 104,500 | 105,500 | 105,500 | 105,500 |
| 85 | | | | | 105,000 | 105,500 | 105,500 | 105,500 |
| 86 or more | | | | | 105,500 | 105,500 | 105,500 | 105,500 |

When inches are involved: Under six inches take lower, six inches or over take higher. The maximum load on any axle in any group of axles shall not exceed the single axle or tandem axle allowance as set forth in the table above.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

Loads of not more than eighty thousand pounds which may be legally hauled in the state bordering this state which also has a sales tax, are legal in this state when moving to a port district within four miles of the bordering state except on the interstate system. This provision does not allow the operation of a vehicle combination consisting of a truck tractor and three trailers.

Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations, and procedures in effect in this state on January 4, 1975.

[1997 c 198 § 1; 1995 c 171 § 1. Prior: 1993 c 246 § 1; 1993 c 102 § 3; prior: 1988 c 229 § 1; 1988 c 6 § 2; 1985 c 351 § 3; 1977 c 81 § 2; 1975-'76 2nd ex.s. c 64 § 22.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Effectivity dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.042 Maximum gross weights--Axle and tire factors.

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. An axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. Effective January 1, 1997, an axle carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section, an axle may be equipped with two tires limited to five hundred pounds per inch width of tire. This section does not apply to vehicles operating under oversize or overweight permits, or both, issued under RCW 46.44.090, while carrying a nonreducible load.

The following equipment may operate at six hundred pounds per inch width of tire: (1) A nonliftable steering axle or axles on the power unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster trailing axle equipped with two tires on a ready-mix concrete transit truck; and (4) a straddle trailer manufactured before January 1, 1996, equipped with single-tire axles or a single axle using a walking beam supported by two in-line single tires and used exclusively for the transport of fruit bins between field, storage, and processing. A straddle trailer manufactured after January 1, 1996, meeting this use criteria may carry five hundred fifteen pounds per inch width of tire on sixteen and one-half inch wide tires.

For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, under rules adopted by the transportation commission with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

[1996 c 116 § 1; 1993 c 103 § 1; 1985 c 351 § 4; 1975-'76 2nd ex.s. c 64 § 10; 1961 c 12 § 46.44.042. Prior: 1959 c 319 § 27; 1951 c 269 § 27; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]

Notes:

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.043 Cement trucks--Axle loading controls.

The switch that controls the raising and lowering of the retractable rear booster or tag axle on a ready-mix cement truck may be located within the reach of the driver's compartment as long as the variable control, used to adjust axle loadings by regulating air pressure or by other

means, is out of the reach of the driver's compartment.

[1994 c 305 § 1.]

RCW 46.44.047 Excess weight--Logging trucks--Special permits--County or city permits--Fees--Discretion of arresting officer.

A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the department of transportation valid only on state primary or secondary highways authorized by the department and under such rules, regulations, terms, and conditions prescribed by the department. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third offense within the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit, a fee of fourteen dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the county legislative authority which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any

person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or the county legislative authority shall be subject to the penalties prescribed by RCW 46.44.105. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the department, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

[1994 c 172 § 1; 1979 ex.s. c 136 § 74; 1975-'76 2nd ex.s. c 64 § 11; 1973 1st ex.s. c 150 § 2; 1971 ex.s. c 249 § 2; 1961 ex.s. c 21 § 35; 1961 c 12 § 46.44.047. Prior: 1955 c 384 § 19; 1953 c 254 § 10; 1951 c 269 § 31.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.049 Effect of weight on highways--Study authorized.

The department of transportation may make and enter into agreements with the federal government or any state or group of states or agencies thereof, or any nonprofit association, on a joint or cooperative basis, to study, analyze, or test the effects of weight on highway construction. The studies or tests may be made either by designating existing highways or the construction of test strips including natural resource roads to the end that a proper solution of the many problems connected with the imposition on highways of motor vehicle weights may be determined.

The studies may include the determination of values to be assigned various highway-user groups according to their gross weight or use.

[1984 c 7 § 54; 1961 c 12 § 46.44.049. Prior: 1951 c 269 § 47.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.44.050 Minimum length of wheelbase.

It shall be unlawful to operate any vehicle upon public highways with a wheelbase between any two axles thereof of less than three feet, six inches when weight exceeds that allowed for one axle under RCW 46.44.042 or 46.44.041. It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches: PROVIDED, That the minimum wheelbase for mopeds is thirty-eight inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

[1979 ex.s. c 213 § 7; 1975-'76 2nd ex.s. c 64 § 12; 1961 c 12 § 46.44.050. Prior: 1941 c 116 § 3; 1937 c 189 § 51;

Rem. Supp. 1941 § 6360-51; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; RRS § 6362-8, part.]

Notes:

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.060 Outside load limits for passenger vehicles.

No passenger type vehicle shall be operated on any public highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

[1961 c 12 § 46.44.060. Prior: 1937 c 189 § 52; RRS § 6360-52; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part.]

RCW 46.44.070 Drawbar requirements--Trailer whipping or weaving--Towing flag.

The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of bar, chain, rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds fifteen feet there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than twelve inches square.

[1961 c 12 § 46.44.070. Prior: 1937 c 189 § 53; RRS § 6360-53; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part; 1923 c 181 § 4, part.]

RCW 46.44.080 Local regulations--State highway regulations.

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the transportation commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways. The department shall give public notice of closure or restriction. The department may issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

[1977 ex.s. c 151 § 29; 1973 2nd ex.s. c 15 § 1; 1961 c 12 § 46.44.080. Prior: 1937 c 189 § 54; RRS § 6360-54.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Highway and street closures authorized--Notice: Chapter 47.48 RCW.

RCW 46.44.090 Special permits for oversize or overweight movements.

The department of transportation, pursuant to rules adopted by the transportation commission with respect to state highways, and local authorities, with respect to public highways under their jurisdiction, may, upon application in writing and good cause being shown therefor, issue a special permit in writing, or electronically, authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and 46.44.041 upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

[2001 c 262 § 1; 1977 ex.s. c 151 § 30; 1975-'76 2nd ex.s. c 64 § 13; 1961 c 12 § 46.44.090. Prior: 1951 c 269 § 34; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

NOTES:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.091 Special permits--Gross weight limit.

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Application shall be made in writing on special forms provided by the department of transportation and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the department of transportation at least thirty days in advance of the proposed movement.

[2001 c 262 § 2; 1989 c 52 § 1; 1977 ex.s. c 151 § 31; 1975-'76 2nd ex.s. c 64 § 14; 1975 1st ex.s. c 168 § 1; 1969 ex.s. c 281 § 30; 1961 c 12 § 46.44.091. Prior: 1959 c 319 § 28; 1953 c 254 § 12; 1951 c 269 § 35; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

NOTES:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date--1975 1st ex.s. c 168: "This 1973 [1975] amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public

institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 168 § 4.]

RCW 46.44.092 Special permits--Overall width limits, exceptions--Application for permit.

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per

week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

[1989 c 398 § 2; 1981 c 63 § 1; 1977 ex.s. c 151 § 32; 1975-'76 2nd ex.s. c 64 § 15; 1970 ex.s. c 9 § 1; 1969 ex.s. c 281 § 60; 1965 ex.s. c 170 § 39; 1963 ex.s. c 3 § 54; 1961 c 12 § 46.44.092. Prior: 1959 c 319 § 29; 1955 c 146 § 2; 1951 c 269 § 36; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.093 Special permits--Discretion of issuer--Conditions.

The department of transportation or the local authority is authorized to issue or withhold such special permit at its discretion, although where a mobile home is being moved, the verification of a valid license under chapter 46.70 RCW as a mobile home dealer or manufacturer, or under chapter 46.76 RCW as a transporter, shall be done by the department or local government. If the permit is issued, the department or local authority may limit the number of trips, establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise limit or prescribe conditions of operation of the vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces, or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

[1988 c 239 § 3; 1984 c 7 § 55; 1961 c 12 § 46.44.093. Prior: 1951 c 269 § 37; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.44.0941 Special permits--Fees.

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

- All overlegal loads, except overweight, single trip. \$ 10.00
- Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days. \$ 20.00

- Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days. \$ 10.00
- Continuous operation of a combination of vehicles having one trailing unit that exceeds fifty-three feet and is not more than fifty-six feet in length, for a period of one year. \$ 100.00
- Continuous operation of a combination of vehicles having two trailing units which together exceed sixty-one feet and are not more than sixty-eight feet in length, for a period of one year. \$ 100.00
- Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days. \$ 70.00
- Continuous operation of a four-axle fixed load vehicle meeting the requirements of RCW 46.44.091(1) and weighing less than 86,000 pounds gross weight, not to exceed thirty days. \$ 90.00
- Continuous movement of a mobile home or manufactured home having nonreducible features not to exceed eighty-five feet in total length and fourteen feet in width, for a period of one year. \$ 150.00
- Continuous operation of a two or three-axle collection truck, actually engaged in the collection of solid waste or recyclables, or both, under chapter 81.77 or 35.21 RCW or by contract under RCW 36.58.090, for one year with an additional six thousand pounds more than the weight authorized in RCW 46.16.070 on the rear axle of a two-axle truck or eight thousand pounds for the tandem axles of a three-axle truck. RCW 46.44.041 and 46.44.091 notwithstanding, the tire limits specified in RCW 46.44.042 apply, but none of the excess weight is valid or may be permitted on any part of the federal interstate highway system. \$ 42.00

per thousand pounds

The department may issue any of the above-listed permits that involve height, length, or width for an expanded period of consecutive months, not to exceed one year.

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities,
for any three-month period. \$ 10.00
- (2) Farmers in the course of farming activities,
for a period not to exceed one year. \$ 25.00
- (3) Persons engaged in the business of the
sale, repair, or maintenance of such
farm implements, for any three-month period \$ 25.00
- (4) Persons engaged in the business of the
sale, repair, or maintenance of such
farm implements, for a period not to
exceed one year. \$ 100.00

Overweight Fee Schedule

Excess weight over legal capacity, Cost per mile.
as provided in RCW 46.44.041.

| | |
|--------------------------------|---------|
| 0- 9,999 pounds | \$.07 |
| 10,000-14,999 pounds | \$.14 |
| 15,000-19,999 pounds | \$.21 |
| 20,000-24,999 pounds | \$.28 |
| 25,000-29,999 pounds | \$.35 |
| 30,000-34,999 pounds | \$.49 |
| 35,000-39,999 pounds | \$.63 |
| 40,000-44,999 pounds | \$.79 |
| 45,000-49,999 pounds | \$.93 |
| 50,000-54,999 pounds | \$ 1.14 |
| 55,000-59,999 pounds | \$ 1.35 |
| 60,000-64,999 pounds | \$ 1.56 |
| 65,000-69,999 pounds | \$ 1.77 |
| 70,000-74,999 pounds | \$ 2.12 |
| 75,000-79,999 pounds | \$ 2.47 |
| 80,000-84,999 pounds | \$ 2.82 |
| 85,000-89,999 pounds | \$ 3.17 |
| 90,000-94,999 pounds | \$ 3.52 |

Excess weight over legal capacity, Cost per mile.
as provided in RCW 46.44.041.

| | | | |
|----------------------|-------|----|------|
| 95,000-99,999 pounds | ..... | \$ | 3.87 |
| 100,000 pounds | ..... | \$ | 4.25 |

The fee for weights in excess of 100,000 pounds is \$4.25 plus fifty cents for each 5,000 pound increment or portion thereof exceeding 100,000 pounds.

PROVIDED: (a) The minimum fee for any overweight permit shall be \$14.00, (b) the fee for issuance of a duplicate permit shall be \$14.00, (c) when computing overweight fees prescribed in this section or in RCW 46.44.095 that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

The fees levied in this section and RCW 46.44.095 do not apply to vehicles owned and operated by the state of Washington, a county within the state, a city or town or metropolitan municipal corporation within the state, or the federal government.

[1995 c 171 § 2. Prior: 1994 c 172 § 2; 1994 c 59 § 1; 1993 c 102 § 4; 1990 c 42 § 107; 1989 c 398 § 1; 1985 c 351 § 5; 1983 c 278 § 3; 1979 ex.s. c 113 § 5; 1975-'76 2nd ex.s. c 64 § 16; 1975 1st ex.s. c 168 § 2; 1973 1st ex.s. c 1 § 3; 1971 ex.s. c 248 § 3; 1967 c 174 § 8; 1965 c 137 § 2.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date--1975 1st ex.s. c 168: See note following RCW 46.44.091.

RCW 46.44.095 Temporary additional tonnage permits--Fees.

When a combination of vehicles has been licensed to a total gross weight of 80,000 pounds or when a three or more axle single unit vehicle has been licensed to a total gross weight of 40,000 pounds, a temporary additional tonnage permit to haul loads in excess of these limits may be issued. This permit is valid for periods of not less than five days at two dollars and eighty cents per day for each two thousand pounds or fraction thereof. The fee may not be prorated. The permits shall authorize the movement of loads not exceeding the weight limits set forth in RCW 46.44.041 and 46.44.042.

[1993 c 102 § 5; 1990 c 42 § 108; 1989 c 398 § 3; 1988 c 55 § 1; 1983 c 68 § 2; 1979 c 158 § 159; 1977 ex.s. c 151 § 33; 1975-'76 2nd ex.s. c 64 § 17; 1974 ex.s. c 76 § 1; 1973 1st ex.s. c 150 § 3; 1969 ex.s. c 281 § 55; 1967 ex.s. c 94 § 15; 1967 c 32 § 51; 1965 ex.s. c 170 § 38; 1961 ex.s. c 7 § 15; 1961 c 12 § 46.44.095. Prior: 1959 c 319 § 31; 1957 c 273 § 18; 1955 c 185 § 1; 1953 c 254 § 13; 1951 c 269 § 39; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.096 Special permits--Determining fee--To whom paid.

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

The department may select a third party contractor, by means of competitive bid, to perform the department's permit issuance function, as provided under RCW 46.44.090. Factors the department shall consider, but is not limited to, in the selection of a third party contractor are economic benefit to both the department and the motor carrier industry, and enhancement of the overall level of permit service. For purposes of this section, "third party contractor" means a business entity that is authorized by the department to issue special permits. The transportation commission may adopt rules specifying the criteria that a business entity must meet in order to qualify as a third party contractor under this section.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the

permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

[1996 c 92 § 1; 1993 c 102 § 6; 1989 c 398 § 4; 1984 c 7 § 56; 1975-'76 2nd ex.s. c 64 § 18; 1971 ex.s. c 248 § 4; 1969 ex.s. c 281 § 31; 1961 c 12 § 46.44.096. Prior: 1955 c 185 § 2; 1951 c 269 § 40; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.098 Increase in federal limits on sizes and weights--Increases by commission.

If the congress of the United States further amends section 127, Title 23 of the United States Code, authorizing increased sizes and weights, the Washington state department of transportation may authorize the operation of vehicles and combinations of vehicles upon completed portions of the interstate highway system and other designated state highways if determined to be capable of accommodating the increased sizes and weights in excess of those prescribed in RCW 46.44.041, or as provided in RCW 46.44.010 and 46.44.037. The permitted increases shall not in any way exceed the federal limits which would jeopardize the state's allotment of federal funds.

[1984 c 7 § 57; 1975-'76 2nd ex.s. c 64 § 19; 1965 c 38 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.105 Enforcement procedures--Penalties--Rules.

(1) Violation of any of the provisions of this chapter is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed a penalty for each pound overweight, as follows:

(a) One pound through four thousand pounds overweight is three cents for each pound;

(b) Four thousand one pounds through ten thousand pounds overweight is one hundred twenty dollars plus twelve cents per pound for each additional pound over four thousand pounds overweight;

(c) Ten thousand one pounds through fifteen thousand pounds overweight is eight hundred forty dollars plus sixteen cents per pound for each additional pound over ten thousand pounds overweight;

(d) Fifteen thousand one pounds through twenty thousand pounds overweight is one

thousand six hundred forty dollars plus twenty cents per pound for each additional pound over fifteen thousand pounds overweight;

(e) Twenty thousand one pounds and more is two thousand six hundred forty dollars plus thirty cents per pound for each additional pound over twenty thousand pounds overweight.

Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section or the additional penalty assessed in subsection (2) of this section, except as provided for the first violation, be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) It is unlawful for the driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. It is unlawful for a driver of a commercial motor vehicle as defined in RCW 46.32.005, other than the driver of a bus as defined in RCW 46.32.005(2) or a vehicle with a gross vehicle or combination weight not over sixteen thousand pounds and not transporting hazardous materials in accordance with RCW 46.32.005(3), to fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open.

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any

police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined one thousand dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "overweight" means the poundage in excess of the maximum allowable gross weight or axle/axle grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047, 46.44.091, and 46.44.095.

(8) The penalties provided in subsections (1) and (2) of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under subsections (1) and (2) of this section, the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

(11) It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

(12) The chief of the state patrol, with the advice of the department, may adopt

reasonable rules to aid in the enforcement of this section.

[1999 c 23 § 1; 1996 c 92 § 2; 1993 c 403 § 4; 1990 c 217 § 1; 1985 c 351 § 6; 1984 c 258 § 327; 1984 c 7 § 58; 1979 ex.s. c 136 § 75; 1975-'76 2nd ex.s. c 64 § 23.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.110 Liability for damage to highways, bridges, etc.

Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure that is a part of any such public highway is liable for all damages that the public highway, bridge, or elevated structure may sustain as a result of any illegal operation of the vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object, or conveyance weighing in excess of the legal weight limits allowed by law. This section applies to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as provided by law for vehicles, objects, or contrivances that are overweight, overwidth, overheight, or overlength. Any person operating any vehicle is liable for any damage to any public highway, bridge, or elevated structure sustained as the result of any negligent operation thereof. When the operator is not the owner of the vehicle, object, or contrivance but is operating or moving it with the express or implied permission of the owner, the owner and the operator are jointly and severally liable for any such damage. Such damage to any state highway or structure may be recovered in a civil action instituted in the name of the state of Washington by the department of transportation. Any measure of damage to any public highway determined by the department of transportation by reason of this section is prima facie the amount of damage caused thereby and is presumed to be the amount recoverable in any civil action therefor.

[1984 c 7 § 59; 1961 c 12 § 46.44.110. Prior: 1937 c 189 § 57; RRS 6360-57.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.44.120 Liability of owner, others, for violations.

Whenever an act or omission is declared to be unlawful in chapter 46.44 RCW, the owner or lessee of any motor vehicle involved in such act or omission is responsible therefor. Any person knowingly and intentionally participating in creating an unlawful condition of use, is also subject to the penalties provided in this chapter for such unlawful act or omission.

If the person operating the vehicle at the time of the unlawful act or omission is not the

owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

[1980 c 104 § 2; 1971 ex.s. c 148 § 1; 1969 ex.s. c 69 § 1.]

RCW 46.44.130 Farm implements--Gross weight and size limitation exception--Penalty.

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.041 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed, and at a time of day in accordance with rules hereby authorized to be adopted by the department of transportation and the statutes. Violation of a rule adopted by the department as authorized by this section or a term of this section is a traffic infraction.

[1979 ex.s. c 136 § 76; 1975-'76 2nd ex.s. c 64 § 20; 1975 1st ex.s. c 168 § 3; 1973 1st ex.s. c 1 § 1.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date--1975 1st ex.s. c 168: See note following RCW 46.44.091.

RCW 46.44.140 Farm implements--Special permits--Penalty.

In addition to any other special permits authorized by law, special permits may be issued by the department of transportation for a quarterly or annual period upon such terms and conditions as it finds proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements that may be identified by rule of the department of transportation. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved, and such movement must be patrolled, flagged, lighted, signed, at a time of day, and otherwise in accordance with rules hereby authorized to be adopted by the department of transportation for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement, and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the department of transportation.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The department shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, of a rule adopted by the department of transportation as authorized by this section, or of a term of this section is a traffic infraction.

[1984 c 7 § 60; 1979 ex.s. c 136 § 77; 1973 1st ex.s. c 1 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.44.150 Highway improvement vehicles--Gross weight limit excesses authorized--Limitations.

The state, county, or city authority having responsibility for the reconstruction or improvement of any public highway may, subject to prescribed conditions and limitations, authorize vehicles employed in such highway reconstruction or improvement to exceed the gross weight limitations contained in RCW 46.44.041 and 46.44.042 without a special permit or additional fees as prescribed by chapter 46.44 RCW, but only while operating within the boundaries of project limits as defined in the public works contract or plans.

[1983 c 3 § 121; 1975 1st ex.s. c 63 § 1.]

RCW 46.44.170 Mobile home movement special permit and decal--Certification of taxes paid--License plates--Rules.

(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes which are a lien or which are delinquent, or both, upon the mobile home being moved have been satisfied. Further, any mobile home required to have a special movement permit under this section shall display an easily recognizable decal: PROVIDED, That endorsement or certification by the county treasurer and the display of said decal is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or the agent to obtain such endorsement from the county treasurer and said decal.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section.

[1986 c 211 § 4. Prior: 1985 c 395 § 1; 1985 c 22 § 1; 1980 c 152 § 1; 1977 ex.s. c 22 § 2.]

Notes:

Severability--1977 ex.s. c 22: See note following RCW 46.04.302.

RCW 46.44.173 Notice to treasurer and assessor of county where mobile home to be located.

(1) Upon validation of a special permit as provided in RCW 46.44.170, the county treasurer shall forward notice of movement of the mobile home to the treasurer's own county assessor and to the county assessor of the county in which the mobile home will be located.

(2) When a single trip special permit not requiring tax certification is issued, the department of transportation or the local authority shall notify the assessor of the county in which the mobile home is to be located. When a continuous trip special permit is used to transport a mobile home not requiring tax certification, the transporter shall notify the assessor of the county in which the mobile home is to be located. Notification is not necessary when the destination of a mobile home is a manufacturer, distributor, retailer, or location outside the state.

(3) A notification under this section shall state the specific, residential destination of the mobile home.

[1984 c 7 § 61; 1977 ex.s. c 22 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1977 ex.s. c 22: See note following RCW 46.04.302.

RCW 46.44.175 Penalties--Hearing.

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a penalty of not less than one hundred dollars or more than five hundred dollars shall be assessed. In addition to the above penalty, the department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person who shall alter, reuse, transfer, or forge the decal required by RCW 46.44.170, or who shall display a decal knowing it to have been forged, reused, transferred, or altered, shall be guilty of a gross misdemeanor.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the department of transportation or the local authority having jurisdiction. The department or the local authority after such hearing may revise its previous action.

[1995 c 38 § 11; 1994 c 301 § 15; 1985 c 22 § 2; 1979 ex.s. c 136 § 78; 1977 ex.s. c 22 § 4.]

Notes:

Acts of municipal officers ratified and confirmed--1995 c 38: See note following RCW 3.02.045.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1977 ex.s. c 22: See note following RCW 46.04.302.

**RCW 46.44.180 Operation of mobile home pilot vehicle without insurance
unlawful--Amounts--Exception--Penalty.**

(1) It is unlawful for a person, other than an employee of a dealer or other principal licensed to transport mobile homes within this state acting within the course of employment with the principal, to operate a pilot vehicle accompanying a mobile home, as defined in RCW 46.04.302, being transported on the public highways of this state, without maintaining insurance for the pilot vehicle in the minimum amounts of:

(a) One hundred thousand dollars for bodily injury to or death of one person in any one accident;

(b) Three hundred thousand dollars for bodily injury to or death of two or more persons in any one accident; and

(c) Fifty thousand dollars for damage to or destruction of property of others in any one accident.

(2) Satisfactory evidence of the insurance shall be carried at all times by the operator of the pilot vehicle, which evidence shall be displayed upon demand by a police officer.

(3) Failure to maintain the insurance as required by this section is a gross misdemeanor. Failure to carry or disclose the evidence of the insurance is a misdemeanor.

[1980 c 153 § 3.]

RCW 46.44.190 Fire-fighting apparatus.

(1) As used in this section, "fire-fighting apparatus" means a vehicle or combination of vehicles, owned by a regularly organized fire suppression agency, designed, maintained, and used exclusively for fire suppression and rescue or for fire prevention activities. These vehicles and associated loads or equipment are necessary to protect the public safety and are considered nondivisible loads. A vehicle or combination of vehicles that is not designed primarily for fire suppression including, but not limited to, a hazardous materials response vehicle, bus, mobile kitchen, mobile sanitation facility, and heavy equipment transport vehicle is not a fire-fighting apparatus for purposes of this section.

(2) Fire-fighting apparatus must comply with all applicable federal and state vehicle operating and safety criteria, including rules adopted by agencies within each jurisdiction.

(3) All owners and operators of fire-fighting apparatus shall comply with current information, available through the department, regarding the applicable load restrictions of state bridges within the designated fire service area, including any automatic or mutual aid agreement areas.

(4) Fire-fighting apparatus operating within a fire district boundary of the owner of the

apparatus, including any automatic or mutual aid agreement areas, may operate without a permit if:

- (a) The weight does not exceed:
 - (i) 600 pounds per inch width of tire;
 - (ii) 24,000 pounds on a single axle;
 - (iii) 43,000 pounds on a tandem axle set;
 - (iv) 67,000 pounds gross vehicle weight, subject to the gross weight limits of RCW 46.44.091(1) (c), (d), and (e);
- (v) The tire manufacturer's tire load rating.
- (b) There is no tridem axle set.
- (c) The dimensions do not exceed:
 - (i) 8 feet, 6 inches wide;
 - (ii) 14 feet high;
 - (iii) 50 feet overall length;
 - (iv) 15 foot front overhang;
 - (v) Rear overhang not exceeding the length of the wheel base.
- (5) The department may grant permits for fire fighting apparatus that exceed the weight limits in subsection (4) of this section only if they were put into operation in this state before July 1, 2001. The department shall issue the permit on an annual basis for the apparatus to operate within the designated fire service area, including mutual benefit agreement areas, subject to the applicable load restrictions of state bridges referred to in subsection (3) of this section and any other limitations stipulated on the permit. Before issuing a permit, the department will compare the apparatus to be permitted with the bridge load ratings for structures on state highways within the operating area. The permit will denote any structures where access by the apparatus is either based on special operating instructions or is denied.

[2001 c 262 § 3.]

Chapter 46.48 RCW

TRANSPORTATION OF HAZARDOUS MATERIALS

Sections

- | | |
|-----------|---|
| 46.48.170 | State patrol authority--Rules and regulations. |
| 46.48.175 | Rules--Penalties--Responsibility for compliance. |
| 46.48.180 | State patrol study to insure uniformity of regulations. |
| 46.48.185 | Inspections. |
| 46.48.200 | Radioactive waste--Additional ports of entry. |

Notes:

Hazardous materials incident command agency, state patrol as: RCW 70.136.030.

RCW 46.48.170 State patrol authority--Rules and regulations.

The Washington state patrol acting by and through the chief of the Washington state patrol shall have the authority to adopt and enforce the regulations promulgated by the United States department of transportation, Title 49 CFR parts 100 through 199, transportation of hazardous materials, as these regulations apply to motor carriers. "Motor carrier" means any person engaged in the transportation of passengers or property operating interstate and intrastate upon the public highways of this state, except farmers. The chief of the Washington state patrol shall confer with the emergency management council under RCW 38.52.040 and may make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. The chief of the Washington state patrol shall establish such additional rules not inconsistent with Title 49 CFR parts 100 through 199, transportation of hazardous materials, which for compelling reasons make necessary the reduction of risk associated with the transportation of hazardous materials. No such rules may lessen a standard of care; however, the chief of the Washington state patrol may, after conferring with the emergency management council, establish a rule imposing a more stringent standard of care. The chief of the Washington state patrol shall appoint the necessary qualified personnel to carry out the provisions of RCW 46.48.170 through *46.48.190.

[1988 c 81 § 19; 1980 c 20 § 1; 1961 c 12 § 46.48.170. Prior: 1951 c 102 § 1; 1949 c 101 § 1; Rem. Supp. 1949 § 6360-63a.]

Notes:

***Reviser's note:** RCW 46.48.190 was repealed by 1988 c 81 § 20.

RCW 46.48.175 Rules--Penalties--Responsibility for compliance.

Each violation of any rules and/or regulations made pursuant to RCW 46.48.170 or 81.80.290 pertaining to vehicle equipment on motor carriers transporting hazardous material shall be a misdemeanor.

Bail for such a violation shall be set at a minimum of one hundred dollars. The fine for such a violation shall be not less than two hundred dollars nor more than five hundred dollars. Compliance with the provisions of this chapter is the primary responsibility of the owner or lessee of the vehicle or any vehicle used in combination that is cited in the violation.

[1980 c 104 § 1; 1961 c 12 § 46.48.175. Prior: 1951 c 102 § 2.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.48.180 State patrol study to insure uniformity of regulations.

The Washington state patrol shall make a study of the United States department of transportation regulations pertaining to Title 49 CFR, parts 100 through 199, and the laws of this state pertaining to the same subject in order that the chief of the Washington state patrol may make necessary and proper recommendations to the legislature and state departments from time to time to bring about uniformity between the laws and regulations of the federal government and this state in regard to the transportation of such materials.

[1980 c 20 § 2; 1961 c 12 § 46.48.180. Prior: 1949 c 101 § 2; Rem. Supp. 1949 § 6360-63b.]

RCW 46.48.185 Inspections.

The chief of the Washington state patrol shall direct the necessary qualified personnel to inspect the cargo of any motor carriers vehicle transporting hazardous material, inspect for proper securing, and inspect for the combined loading of cargo which would be inconsistent with the provisions of Title 49 CFR, parts 100 through 199. Authorized personnel inspecting loads of hazardous material shall do so in the presence of a representative of the motor carrier. Seal and locking devices may be removed as necessary to facilitate the inspection. The seals or locking devices removed shall be replaced by the Washington state patrol with a written form approved by the chief to certify seal or locking device removal for inspection of the cargo.

[1980 c 20 § 3.]

RCW 46.48.200 Radioactive waste--Additional ports of entry. (*Contingent expiration date.*)

Any additional ports of entry for highway transportation of radioactive waste materials other than those designated by WAC 446-50-040 as filed on December 11, 1979, must be authorized by the state legislature. This section shall expire when both the Washington state legislature and at least one other eligible state enact an interstate agreement on radioactive materials transportation management.

[1987 c 86 § 1.]

Chapter 46.52 RCW
ACCIDENTS--REPORTS--ABANDONED VEHICLES

Sections

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| 46.52.010 | Duty on striking unattended car or other property--Penalty. |
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| 46.52.100 | Record of traffic charges--Reports of court--District court venue--Driving under influence of liquor or drugs. |
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| 46.52.120 | Case record of convictions and infractions--Cross-reference to accident reports. |
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NOTES:

Abandoned, unauthorized vehicles generally: Chapter 46.55 RCW.

Hulk haulers and scrap processors: Chapter 46.79 RCW.

Removal of certain vehicles from roadway: RCW 46.55.113, 46.55.115, 46.61.590.

Vehicle wreckers: Chapter 46.80 RCW.

RCW 46.52.010 Duty on striking unattended car or other property--Penalty.

The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state. Any person violating the provisions of this section is guilty of a misdemeanor.

[1979 ex.s. c 136 § 79; 1961 c 12 § 46.52.010. Prior: 1937 c 189 § 133; RRS § 6360-133; 1927 c 309 § 50, part; RRS § 6362-50, part.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Arrest of person violating duty on striking unattended vehicle or other property: RCW 10.31.100.

RCW 46.52.020 Duty in case of personal injury or death or damage to attended vehicle or other property--Penalties.

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person or involving striking the body of a deceased person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing

traffic more than is necessary.

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(3) Unless otherwise provided in subsection (7) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person, or involving striking the body of a deceased person, or resulting in damage to any vehicle which is driven or attended by any person or damage to other property shall give his or her name, address, insurance company, insurance policy number, and vehicle license number and shall exhibit his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his or her behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.

(4)(a) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section in the case of an accident resulting in death is guilty of a class B felony and, upon conviction, is punishable according to chapter 9A.20 RCW.

(b) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section in the case of an accident resulting in injury is guilty of a class C felony and, upon conviction, is punishable according to chapter 9A.20 RCW.

(c) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section in the case of an accident involving striking the body of a deceased person is guilty of a gross misdemeanor.

(d) This subsection shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying with this section.

(5) Any driver covered by the provisions of subsection (2) of this section failing to stop or to comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a gross misdemeanor: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(6) The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.

(7) If none of the persons specified are in condition to receive the information to which

they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his or her part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

[2001 c 145 § 1; 2000 c 66 § 1; 1990 c 210 § 2; 1980 c 97 § 1; 1979 ex.s. c 136 § 80; 1975-'76 2nd ex.s. c 18 § 1. Prior: 1975 1st ex.s. c 210 § 1; 1975 c 62 § 14; 1967 c 32 § 53; 1961 c 12 § 46.52.020; prior: 1937 c 189 § 134; RRS § 6360-134; 1927 c 309 § 50, part; RRS § 6362-50, part.]

NOTES:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1980 c 97: "This 1980 act shall take effect on July 1, 1980." [1980 c 97 § 3.]

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1975 c 62: See note following RCW 36.75.010.

Arrest of person violating duty in case of injury to or death of person or damage to attended vehicle: RCW 10.31.100.

RCW 46.52.030 Accident reports.

(1) Unless a report is to be made by a law enforcement officer under subsection (3) of this section, the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within four days after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount or where a law enforcement officer has submitted a report.

(2) The original of the report shall be immediately forwarded by the authority receiving the report to the chief of the Washington state patrol at Olympia, Washington. The Washington state patrol shall give the department of licensing full access to the report.

(3) Any law enforcement officer who investigates an accident for which a report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in the chief's opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the circumstances, the

conditions then existing, the persons and vehicles involved, the insurance information required under RCW 46.30.030, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

(5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision.

[1997 c 248 § 1; 1996 c 183 § 1; 1989 c 353 § 5; 1987 c 463 § 2; 1981 c 30 § 1; 1979 c 158 § 160; 1979 c 11 § 2. Prior: 1977 ex.s. c 369 § 2; 1977 ex.s. c 68 § 1; 1969 ex.s. c 40 § 2; 1967 c 32 § 54; 1965 ex.s. c 119 § 1; 1961 c 12 § 46.52.030; prior: 1943 c 154 § 1; 1937 c 189 § 135; RRS § 6360-135.]

Notes:

Effective date--1997 c 248: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 2, 1997]." [1997 c 248 § 2.]

Effective date--1996 c 183: "This act takes effect July 1, 1996." [1996 c 183 § 3.]

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

RCW 46.52.035 Accident reports--Suspension of license or permit for failure to make report.

The director may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as provided in RCW 46.52.030 until such report has been filed.

[1988 c 8 § 1; 1965 ex.s. c 119 § 2.]

RCW 46.52.040 Accident reports--Report when operator disabled.

Whenever the driver of the vehicle involved in any accident, concerning which accident report is required, is physically incapable of making the required accident report and there is another occupant other than a passenger for hire therein, in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report. Upon recovery such driver shall make such report in the manner required by law.

[1967 c 32 § 55; 1961 c 12 § 46.52.040. Prior: 1937 c 189 § 136; RRS § 6360-136.]

RCW 46.52.050 Coroner's reports to sheriff and state patrol.

Every coroner or other official performing like functions shall on or before the tenth day of each month, report in writing to the sheriff of the county in which he holds office and to the chief of the Washington state patrol the death of any person within his jurisdiction during the preceding calendar month as a result of an accident involving any vehicle, together with the circumstances of such accident.

[1961 c 12 § 46.52.050. Prior: 1937 c 189 § 137; RRS § 6360-137.]

RCW 46.52.060 Tabulation and analysis of reports--Availability for use.

It shall be the duty of the chief of the Washington state patrol to file, tabulate, and analyze all accident reports and to publish annually, immediately following the close of each fiscal year, and monthly during the course of the year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of licensing, the department of transportation, the utilities and transportation commission, the traffic safety commission, and other public entities authorized by the chief of the Washington state patrol, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

[1998 c 169 § 1; 1979 c 158 § 161; 1977 c 75 § 67; 1967 c 32 § 56; 1961 c 12 § 46.52.060. Prior: 1937 c 189 § 138; RRS § 6360-138.]

RCW 46.52.065 Blood samples to state toxicologist--Analysis--Availability, admissibility of reports.

Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians who are killed in any traffic accident where the death occurred within four hours after the accident. Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential: PROVIDED, That the results of these analyses shall be reported to the state patrol and made available to the prosecuting attorney or law enforcement agency having jurisdiction: PROVIDED FURTHER, That the results of these analyses may be admitted in evidence in any civil or criminal action where relevant and shall be made available to the parties to any such litigation on application to the court.

[1977 ex.s. c 50 § 1; 1971 ex.s. c 270 § 1.]

RCW 46.52.070 Police officer's report.

(1) Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

(2) The police officer shall report to the department, on a form prescribed by the director: (a) When a collision has occurred that results in a fatality; and (b) the identity of the operator of a vehicle involved in the collision when the officer has reasonable grounds to believe the operator caused the collision.

(3) The police officer shall report to the department, on a form prescribed by the director: (a) When a collision has occurred that results in a serious injury; (b) the identity of the operator of a vehicle involved in the collision when the officer has reasonable grounds to believe the operator who caused the serious injury may not be competent to operate a motor vehicle; and (c) the reason or reasons for the officer's belief.

[1999 c 351 § 2; 1998 c 165 § 8; 1967 c 32 § 57; 1961 c 12 § 46.52.070. Prior: 1937 c 189 § 139; RRS § 6360-139.]

Notes:

Effective date--1998 c 165 §§ 8-14: "Sections 8 through 14 of this act take effect January 1, 1999."

[1998 c 165 § 15.]

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.52.080 Confidentiality of reports--Information required to be disclosed--Evidence.

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of licensing and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to

prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law: PROVIDED, That the reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of RCW 46.52.088.

[1979 c 158 § 162; 1975 c 62 § 15; 1967 c 32 § 58; 1965 ex.s. c 119 § 3; 1961 c 12 § 46.52.080. Prior: 1937 c 189 § 140; RRS § 6360-140.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.52.083 Confidentiality of reports--Availability of factual data to interested parties.

All of the factual data submitted in report form by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in RCW 46.52.080.

[1965 ex.s. c 119 § 4.]

RCW 46.52.085 Confidentiality of reports--Fee for written information.

Any information authorized for release under RCW 46.52.080 and 46.52.083 may be furnished in written form for a fee sufficient to meet, but not exceed, the costs incurred. All fees received by the Washington state patrol for such copies shall be deposited in the motor vehicle fund.

[1979 c 34 § 1; 1971 ex.s. c 91 § 5; 1965 ex.s. c 119 § 5.]

RCW 46.52.088 Reports--False information.

A person shall not give information in oral or written reports as required in chapter 46.52 RCW knowing that such information is false.

[1975 c 62 § 16.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.52.090 Reports of major repairs, etc.--Violations, penalties--Rules--Exceptions for older vehicles.

Any person, firm, corporation, or association engaged in the business of repairs of any kind to vehicles or any person, firm, corporation, or association which may at any time engage in any kind of major repair, restoration, or substantial alteration to a vehicle required to be licensed or registered under this title shall maintain verifiable records regarding the source of used major component parts used in such repairs, restoration, or alteration. Satisfactory records include but are not limited to personal identification of the seller if such parts were acquired from other than

a *motor vehicle wrecker licensed under chapter 46.80 RCW, signed work orders, and bills of sale signed by the seller whose identity and address has been verified describing parts acquired, and the make, model, and vehicle identification number of a vehicle from which the following parts are removed: (1) Engines and short blocks, (2) frames, (3) transmissions and transfer cases, (4) cabs, (5) doors, (6) front or rear differentials, (7) front or rear clips, (8) quarter panels or fenders, (9) bumpers, (10) truck beds or boxes, (11) seats, and (12) hoods. Such records shall be kept for a period of four years and shall be made available for inspection by a law enforcement officer during ordinary business hours.

The acquisition of a part without a substantiating bill of sale or invoice from the parts supplier or failure to comply with any rules adopted under this section is a gross misdemeanor. Failure to obtain the vehicle identification number for those parts requiring that it be obtained is a gross misdemeanor. Failure to keep records for four years or to make such records available during normal business hours to a law enforcement officer is a gross misdemeanor.

The chief of the Washington state patrol shall adopt rules for the purpose of regulating record-keeping and parts acquisition by vehicle repairers, restorers, rebuilders, or those who perform substantial vehicle alterations. The provisions of this section do not apply to major repair, restoration, or alteration of a vehicle thirty years of age or older.

[1983 c 142 § 1; 1967 c 32 § 59; 1961 c 12 § 46.52.090. Prior: 1937 c 189 § 141; RRS § 6360-141.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

*Reviser's note: "Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

RCW 46.52.100 Record of traffic charges--Reports of court--District court venue--Driving under influence of liquor or drugs.

Notes:

Reviser's note: RCW 46.52.100 was amended by 1999 c 274 § 5 without reference to its repeal by 1999 c 86 § 8. It has been decodified for publication purposes under RCW 1.12.025.

RCW 46.52.101 Records of traffic charges, dispositions.

(1) Every district court, municipal court, and clerk of a superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by the court or its traffic violations bureau regarding the charge, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every traffic charge deposited with or presented to the court or traffic violations bureau. In the case of a record of a conviction for a violation of RCW 46.61.502 or 46.61.504, and notwithstanding any other provision of law, the court shall maintain the record permanently.

(2) Within fourteen days after the conviction, forfeiture of bail, or finding that a traffic infraction was committed for a violation of any provisions of this chapter or other law regulating

the operating of vehicles on highways, the clerk of the court in which the conviction was had, bail was forfeited, or the finding of commission was made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the court record covering the case. Report need not be made of a finding involving the illegal parking or standing of a vehicle.

(3) The abstract must be made upon a form or forms furnished by the director and must include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved if required by the director, the nature of the offense, the date of hearing, the plea, the judgment, whether the offense was an alcohol-related offense as defined in RCW 46.01.260(2), whether the incident that gave rise to the offense charged resulted in a fatality, whether bail was forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty, as the case may be.

(4) In courts where the judicial information system or other secure method of electronic transfer of information has been implemented between the court and the department of licensing, the court may electronically provide the information required in subsections (2), (3), and (5) of this section.

(5) The superior court clerk shall also forward a like report to the director upon the conviction of a person of a felony in the commission of which a vehicle was used.

(6) The director shall keep all abstracts received under this section at the director's office in Olympia. The abstracts must be open to public inspection during reasonable business hours.

(7) The officer, prosecuting attorney, or city attorney signing the charge or information in a case involving a charge of driving under the influence of intoxicating liquor or any drug shall immediately request from the director an abstract of convictions and forfeitures. The director shall furnish the requested abstract.

[1999 c 86 § 4.]

RCW 46.52.120 Case record of convictions and infractions--Cross-reference to accident reports.

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident and whether or not the accident resulted in any fatality. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The records shall be for the confidential use of the director, the chief of the Washington state patrol, the director of the Washington traffic safety commission, and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be admitted into evidence in any court, except where relevant to the prosecution or defense of a criminal charge, or in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(3) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. The director shall also suspend a person's driver's license if the person fails to attend or complete a driver improvement interview or fails to abide by conditions of probation under RCW 46.20.335. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

[1998 c 218 § 1; 1998 c 165 § 10; 1993 c 501 § 12; 1992 c 32 § 3; 1989 c 178 § 23; 1988 c 38 § 2; 1984 c 99 § 1; 1982 c 52 § 1; 1979 ex.s. c 136 § 83; 1977 ex.s. c 356 § 1; 1967 c 32 § 62; 1961 c 12 § 46.52.120. Prior: 1937 c 189 § 144; RRS § 6360-144.]

Notes:

Reviser's note: This section was amended by 1998 c 165 § 10 and by 1998 c 218 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.52.130 Abstract of driving record--Access--Fees--Penalty.

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer or prospective employer or an agent acting on behalf of an employer or prospective employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the

named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; whether the accident resulted in any fatality; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(b)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.5249 and 46.61.525 except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is

appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Release of a certified abstract of the driving record of an employee or prospective employee requires a statement signed by: (1) The employee or prospective employee that authorizes the release of the record, and (2) the employer attesting that the information is necessary to determine whether the licensee should be employed to operate a commercial vehicle or school bus upon the public highways of this state. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

Any negligent violation of this section is a gross misdemeanor.

Any intentional violation of this section is a class C felony.

[2001 c 309 § 1; 1998 c 165 § 11; 1997 c 66 § 12. Prior: 1996 c 307 § 4; 1996 c 183 § 2; 1994 c 275 § 16; 1991 c 243 § 1; 1989 c 178 § 24; prior: 1987 1st ex.s c 9 § 2; 1987 c 397 § 2; 1987 c 181 § 1; 1986 c 74 § 1; 1985 ex.s. c 1 § 11; 1979 ex.s. c 136 § 84; 1977 ex.s. c 356 § 2; 1977 ex.s. c 140 § 1; 1973 1st ex.s. c 37 § 1; 1969 ex.s. c 40 § 3; 1967 c 174 § 2; 1967 c 32 § 63; 1963 c 169 § 65; 1961 ex.s. c 21 § 27.]

NOTES:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

Effective date--1996 c 183: See note following RCW 46.52.030.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Severability--Effective date--1987 1st ex.s. c 9: See notes following RCW 46.29.050.

Intent--1987 c 397: See note following RCW 46.61.410.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective date--1967 c 174: See note following RCW 46.29.050.

Severability--1963 c 169: See RCW 46.29.910.

Abstract of driving record to be furnished: RCW 46.29.050.

Use of highway safety fund to defray cost of furnishing and maintaining driving records: RCW 46.68.060.

**RCW 46.52.190 Abandoned vehicles or
hulks--Impoundment--Notification--Hearing--Liability for charges--Nonpayment penalty.**

Notes:

Reviser's note: RCW 46.52.190 was amended by 1987 c 202 § 215 without reference to its repeal by 1987 c 311 § 21. It has been decodified for publication purposes under RCW 1.12.025.

**Chapter 46.55 RCW
TOWING AND IMPOUNDMENT**

(Formerly: Abandoned, unauthorized, and junk vehicles--Tow truck operators)

Sections

46.55.010

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- 46.55.230 Junk vehicles--Removal, disposal, sale--Penalties--Cleanup restitution payment.

LOCAL REGULATION

- 46.55.240 Local ordinances--Requirements.

MISCELLANEOUS

- 46.55.900 Severability--1985 c 377.
46.55.901 Headings not part of law--1985 c 377.
46.55.902 Effective date--1985 c 377.
46.55.910 Chapter not applicable to certain activities of department of transportation.

Notes:

Removal of unattended vehicle from highway: RCW 46.61.590.

Riding in towed vehicles: RCW 46.61.625.

Safety chains for towing: RCW 46.37.495.

Size, weight, and load exemptions for tow trucks: RCW 46.44.015.

RCW 46.55.010 Definitions.

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or *46.20.420.

(9) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(10) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(11) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(12) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(13) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

- (a) Public locations:
 - (i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 Immediately
 - (ii) On a highway and tagged as described in RCW 46.55.085 24 hours
 - (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately
- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
 - (iii) On private, nonresidential property, not posted 24 hours

[1999 c 398 § 2; 1998 c 203 § 8; 1994 c 176 § 1; 1991 c 292 § 1; 1989 c 111 § 1. Prior: 1987 c 330 § 739; 1987 c 311 § 1; 1985 c 377 § 1.]

Notes:

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Finding--1998 c 203: See note following RCW 46.55.105.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

TOW TRUCK OPERATORS--REGISTRATION REQUIREMENTS

RCW 46.55.020 Registration required--Penalty.

A person shall not engage in or offer to engage in the activities of a registered tow truck operator without a current registration certificate from the department of licensing authorizing him to engage in such activities. Any person engaging in or offering to engage in the activities of a registered tow truck operator without the registration certificate required by this chapter is guilty of a gross misdemeanor.

A registered operator who engages in a business practice that is prohibited under this chapter may be issued a notice of traffic infraction under chapter 46.63 RCW and is also subject to the civil penalties that may be imposed by the department under this chapter. A person found to have committed an offense that is a traffic infraction under this chapter is subject to a monetary penalty of at least two hundred fifty dollars. All traffic infractions issued under this chapter shall be under the jurisdiction of the district court in whose jurisdiction they were issued.

[1989 c 111 § 2; 1985 c 377 § 2.]

RCW 46.55.025 Registration or insurance required--Penalty.

A vehicle engaging in the business of recovery of disabled vehicles for monetary compensation, from or on a public road or highway must either be operated by a registered tow truck operator, or someone who at a minimum has insurance in a like manner and amount as prescribed in RCW 46.55.030(3), and have had their tow trucks inspected in a like manner as prescribed by RCW 46.55.040(1). The department shall adopt rules to enforce this section. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

[1995 c 360 § 2.]

RCW 46.55.030 Application--Contents, bond, insurance, fee, certificate.

(1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or an agent, and shall include the following information:

- (a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;
- (b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;
- (c) The names and addresses of all employees who serve as tow truck drivers;
- (d) Proof of minimum insurance required by subsection (3) of this section;
- (e) The vehicle license and vehicle identification numbers of all tow trucks of which the applicant is the registered owner;
- (f) Any other information the department may require; and
- (g) A certificate of approval from the Washington state patrol certifying that:
 - (i) The applicant has an established place of business and that mail is received at the

address shown on the application;

(ii) The address of any storage locations where vehicles may be stored is correctly stated on the application;

(iii) The place of business has an office area that is accessible to the public without entering the storage area; and

(iv) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

Cancellation of or failure to maintain the insurance required by (a) and (b) of this subsection automatically cancels the operator's registration.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) The applicant must submit an inspection certificate from the state patrol before the department may issue or renew an operator's registration certificate or tow truck permits.

(6) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

[1989 c 111 § 3; 1987 c 311 § 2; 1985 c 377 § 3.]

RCW 46.55.035 Prohibited acts--Penalty.

(1) No registered tow truck operator may:

(a) Except as authorized under RCW 46.55.037, ask for or receive any compensation, gratuity, reward, or promise thereof from a person having control or possession of private property or from an agent of the person authorized to sign an impound authorization, for or on account of the impounding of a vehicle;

(b) Be beneficially interested in a contract, agreement, or understanding that may be made by or between a person having control or possession of private property and an agent of the person authorized to sign an impound authorization;

(c) Have a financial, equitable, or ownership interest in a firm, partnership, association, or corporation whose functions include acting as an agent or a representative of a property owner for the purpose of signing impound authorizations.

(2) This section does not prohibit the registered tow truck operator from collecting the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing of an impounded vehicle as provided by RCW 46.55.120.

(3) A violation of this section is a gross misdemeanor.

[1992 c 18 § 1; 1989 c 111 § 4.]

Notes:

Riding in towed vehicles: RCW 46.61.625.

Safety chains for towing: RCW 46.37.495.

RCW 46.55.037 Compensation for private impounds.

A registered tow truck operator may receive compensation from a private property owner or agent for a private impound of an unauthorized vehicle that has an approximate fair market value equal only to the approximate value of the scrap in it. The private property owner or agent must authorize the impound under RCW 46.55.080. The registered tow truck operator shall process the vehicle in accordance with this chapter and shall deduct any compensation received from the private property owner or agent from the amount of the lien on the vehicle in accordance with this chapter.

[1992 c 18 § 2.]

RCW 46.55.040 Permit required--Inspections of equipment and facilities.

(1) A registered operator shall apply for and keep current a tow truck permit for each tow truck of which the operator is the registered owner. Application for a tow truck permit shall be accompanied by a report from the Washington state patrol covering a physical inspection of each tow truck capable of being used by the applicant.

(2) Upon receipt of the fee provided in RCW 46.55.030(4) and a satisfactory inspection report from the state patrol, the department shall issue each tow truck an annual tow truck permit

or decal. The class of the tow truck, determined according to RCW 46.55.050, shall be stamped on the permit or decal. The permit or decal shall be displayed on the passenger side of the truck's front windshield.

(3) A tow truck number from the department shall be affixed in a permanent manner to each tow truck.

(4) The Washington state patrol shall conduct annual inspections of tow truck operators' equipment and facilities during the operators' normal business hours. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of a tow truck or facilities. At the time of the inspection, the operator shall provide a paper copy of the master log referred to in RCW 46.55.080.

(5) If at the time of the annual or subsequent inspections the equipment does not meet the requirements of this chapter, and the deficiency is a safety related deficiency, or the equipment is necessary to the truck's performance, the inspector shall cause the registered tow truck operator to remove that equipment from service as a tow truck until such time as the equipment has been satisfactorily repaired. A red tag shall be placed on the windshield of a tow truck taken out of service, and the tow truck shall not provide tow truck service until the Washington state patrol recertifies the truck and removes the tag.

[1989 c 111 § 5; 1985 c 377 § 4.]

RCW 46.55.050 Classification of trucks--Marking requirements--Time and place of inspection--Penalty.

(1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the state patrol for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

[1987 c 330 § 740; 1985 c 377 § 5.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.55.060 Business location--Requirements.

(1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. Each separate business location requires a

separate registration under this chapter. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) Before an additional lot may be used for vehicle storage, it must be inspected and approved by the state patrol. The lot must also be inspected and approved on an annual basis for continued use.

(3) Each business location must have a sign displaying the firm's name that is readable from the street.

(4) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in *RCW 46.55.120(1)(b).

(5) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.

(6) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it. The normal business hours of a towing service shall be from 8:00 a.m. to 5:00 p.m. on weekdays, excluding Saturdays, Sundays, and holidays.

(7) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

(8) A registered operator shall provide access to a telephone for any person redeeming a vehicle, at the time of redemption.

[1989 c 111 § 6; 1987 c 311 § 3; 1985 c 377 § 6.]

Notes:

***Reviser's note:** RCW 46.55.120 was amended by 1999 c 398 § 7, changing subsection (1)(b) to subsection (1)(e).

RCW 46.55.063 Fees, schedules, contracts, invoices.

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the

hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) Fees that are charged for the storage of a vehicle, or for other items of personal property registered or titled with the department, must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area. However, items of personal property registered or titled with the department that are wholly contained within an impounded vehicle are not subject to additional storage fees; they are, however, subject to satisfying the underlying lien for towing and storage of the vehicle in which they are contained.

(5) All billing invoices that are provided to the redeemer of the vehicle, or other items of personal property registered or titled with the department, must be itemized so that the individual fees are clearly discernable.

[1995 c 360 § 3; 1989 c 111 § 7.]

IMPOUNDING UNAUTHORIZED VEHICLES

RCW 46.55.070 Posting requirements--Exception.

(1) No person may impound, tow, or otherwise disturb any unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates:

(a) The times a vehicle may be impounded as an unauthorized vehicle; and

(b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed.

(2) The requirements of subsection (1) of this section do not apply to residential property. Any person having charge of such property may have an unauthorized vehicle impounded immediately upon giving written authorization.

(3) The department shall adopt rules relating to the size of the sign required by subsection (1) of this section, its lettering, placement, and the number required.

(4) This section applies to all new signs erected after July 1, 1986. All other signs must meet these requirements by July 1, 1989.

[1987 c 311 § 4; 1985 c 377 § 7.]

RCW 46.55.075 Law enforcement impound--Required form.

The Washington state patrol shall provide by rule for a uniform impound authorization and inventory form. All law enforcement agencies must use this form for all vehicle impounds

after June 30, 2001.

[1999 c 398 § 3.]

RCW 46.55.080 Law enforcement impound, private impound--Master log--Certain associations restricted.

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(13), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

[1999 c 398 § 4; 1989 c 111 § 8; 1987 c 311 § 5; 1985 c 377 § 8.]

RCW 46.55.085 Law enforcement impound--Unauthorized vehicle in right of way.

(1) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;

(b) The identity of the officer;

(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

(2) If the vehicle has current Washington registration plates, the officer shall check the

records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

[1993 c 121 § 1; 1987 c 311 § 6. Formerly RCW 46.52.170 and 46.52.180.]

RCW 46.55.090 Storage, return requirements--Personal property--Combination endorsement for tow truck drivers--Viewing impounded vehicle.

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings, with the exception of those items of personal property that are registered or titled with the department, not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

[1995 c 360 § 4; 1989 c 178 § 25; 1987 c 311 § 7; 1985 c 377 § 9.]

Notes:

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

RCW 46.55.100 Impound notice--Abandoned vehicle report--Owner

information--Disposition report.

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the one hundred twenty hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold that is not a suspended license impound. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold that is not a suspended license impound is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fourteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

[1999 c 398 § 5; 1998 c 203 § 9; 1995 c 360 § 5; 1991 c 20 § 1; 1989 c 111 § 9; 1987 c 311 § 8; 1985 c 377 § 10.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.55.105 Responsibility of registered owner.

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of a traffic infraction, unless the vehicle is redeemed as provided in RCW 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 RCW, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.101(1) relieves the last registered owner of liability under subsections (1) and (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of RCW 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under RCW 46.12.103. In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to the department under RCW 46.20.270 and 46.52.101, and for purposes of reporting notices of failure to appear, respond, or comply regarding a notice of traffic infraction to the department under *RCW 46.63.070(5), a traffic infraction under subsection (2) of this section is not considered to be a standing, stopping, or parking violation.

(6) A notice of infraction for a violation of this section may be filed with a court of limited jurisdiction organized under Title 3, 35, or 35A RCW, or with a violations bureau subject to the court's jurisdiction.

[1999 c 86 § 5; 1998 c 203 § 2; 1995 c 219 § 4; 1993 c 314 § 1.]

Notes:

***Reviser's note:** RCW 46.63.070 was amended by 2000 c 110 § 1, changing subsection (5) to subsection (6).

Finding--1998 c 203: "The legislature finds that the license to drive a motor vehicle on the public highways is suspended or revoked in order to protect public safety following a driver's failure to comply with the laws of this state. Over six hundred persons are killed in traffic accidents in Washington annually, and more than eighty-four thousand persons are injured. It is estimated that of the three million four hundred thousand drivers' licenses issued to citizens of Washington, more than two hundred sixty thousand are suspended or revoked at any given time. Suspended drivers are more likely to be involved in causing traffic accidents, including fatal accidents, than properly licensed drivers, and pose a serious threat to the lives and property of Washington residents. Statistics show that suspended drivers are three times more likely to kill or seriously injure others in the commission of traffic felony offenses than are validly licensed drivers. In addition to not having a driver's license, most such drivers also lack required liability insurance, increasing the financial burden upon other citizens through uninsured losses and higher insurance costs for validly licensed drivers. Because of the threat posed by suspended drivers, all registered owners of motor vehicles in Washington have a duty to not allow their vehicles to be driven by a suspended driver.

Despite the existence of criminal penalties for driving with a suspended or revoked license, an estimated seventy-five percent of these drivers continue to drive anyway. Existing sanctions are not sufficient to deter or prevent persons with a suspended or revoked license from driving. It is common for suspended drivers to resume driving immediately after being stopped, cited, and released by a police officer and to continue to drive while a criminal prosecution for suspended driving is pending. More than half of all suspended drivers charged with the crime of driving while suspended or revoked fail to appear for court hearings. Vehicle impoundment will provide an immediate consequence which will increase deterrence and reduce unlawful driving by preventing a suspended driver access to that vehicle. Vehicle impoundment will also provide an appropriate measure of accountability for registered owners who permit suspended drivers to drive their vehicles. Impoundment of vehicles driven by suspended drivers has been shown to reduce future driving while suspended or revoked offenses for up to two years afterwards, and the recidivism rate for drivers whose cars were not impounded was one hundred percent higher than for drivers whose cars were impounded. In order to adequately protect public safety and to enforce the state's driver licensing laws, it is necessary to authorize the impoundment of any vehicle when it is found to be operated by a driver with a suspended or revoked license in violation of RCW 46.20.342 and *46.20.420. The impoundment of a vehicle operated in violation of RCW 46.20.342 or *46.20.420 is intended to be a civil in rem action against the vehicle in order to remove it from the public highways and reduce the risk posed to traffic safety by a vehicle accessible to a driver who is reasonably believed to have violated these laws." [1998 c 203 § 1.]

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

RCW 46.55.110 Notice to legal and registered owners.

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In addition, if a suspended license impound has been ordered, the notice must state the length of the impound, the requirement of the posting of a security deposit to ensure payment of the costs of removal, towing, and storage, notification that if the security deposit is not posted the vehicle will immediately be processed and sold at auction as an abandoned vehicle, and the requirements set out in RCW 46.55.120(1)(b) regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

(3) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(4) If the date on which a notice required by subsection (3) of this section is to be mailed falls upon a Saturday, Sunday, or a postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.

(5) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

[1999 c 398 § 6; 1998 c 203 § 3; 1995 c 360 § 6; 1989 c 111 § 10; 1987 c 311 § 9; 1985 c 377 § 11.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.55.113 Removal by police officer.

Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504 or of RCW 46.20.342 or *46.20.420, the vehicle is subject to impoundment, pursuant to applicable local ordinance or state agency rule at the direction of a law enforcement officer. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(7) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.005 or with a license that has been expired for ninety days or more.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

[1998 c 203 § 4; 1997 c 66 § 7; 1996 c 89 § 1; 1994 c 275 § 32; 1987 c 311 § 10. Formerly RCW 46.61.565.]

Notes:

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Finding--1998 c 203: See note following RCW 46.55.105.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.55.115 State patrol--Appointment of towing operators--Lien for costs--Appeal.

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the state patrol and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the state patrol may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the state patrol and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the state patrol.

An appointment may be rescinded by the state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The state patrol may not rescind an appointment merely because a registered tow truck operator negotiates a different rate for voluntary, owner-requested towing than for involuntary towing under this chapter. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the state patrol for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the state patrol made under this section may appeal the decision under chapter 34.05 RCW.

[1993 c 121 § 2; 1987 c 330 § 744; 1979 ex.s. c 178 § 22; 1977 ex.s. c 167 § 5. Formerly RCW 46.61.567.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Severability--1979 ex.s. c 178: See note following RCW 46.61.590.

REDEMPTION RIGHTS AND HEARING PROCEDURES

RCW 46.55.120 Redemption of vehicles--Sale of unredeemed property--Improper impoundment.

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government

agency.

(b) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with *chapter 62A.9 RCW, including providing redemption rights to the debtor under *RCW 62A.9-506. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under *chapter 62A.9 RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW

46.20.342 or 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm cannot determine through the customer's bank or a check verification service that the presented check would be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the

department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . .
. . . Court located at in the sum of \$., in an action entitled,
Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs
will be awarded against you under RCW . . . if the judgment is not paid within 15

days of the date of this notice.

DATED this day of, (year) . . .

Signature

Typed name and address
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

[2000 c 193 § 1. Prior: 1999 c 398 § 7; 1999 c 327 § 5; 1998 c 203 § 5; 1996 c 89 § 2; 1995 c 360 § 7; 1993 c 121 § 3; 1989 c 111 § 11; 1987 c 311 § 12; 1985 c 377 § 12.]

Notes:

***Reviser's note:** Chapter 62A.9 RCW was repealed in its entirety by 2000 c 250 § 9A-901, effective July 1, 2001. For later enactment, see chapter 62A.9A RCW.

Findings--Intent--1999 c 327: See note following RCW 9A.88.130.

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.55.130 Notice requirements--Public auction--Accumulation of storage charges.

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or a suspended license impound has been directed, but no security paid under RCW 46.55.120, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is

submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(3).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. However, storage charges begin to accrue again on the date the correct and complete information is provided to the department by the registered tow truck operator.

[2000 c 193 § 2; 1998 c 203 § 6; 1989 c 111 § 12; 1987 c 311 § 13; 1985 c 377 § 13.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.55.140 Operator's lien, deficiency claim, liability.

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of five hundred dollars after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars after deduction of the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 and has timely and properly filed the seller's report is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed seller's report shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

[1995 c 360 § 8; 1992 c 200 § 1; 1991 c 20 § 2; 1989 c 111 § 13; 1987 c 311 § 14; 1985 c 377 § 14.]

RECORDS, INSPECTIONS, AND ENFORCEMENT

RCW 46.55.150 Vehicle transaction file.

The registered tow truck operator shall keep a transaction file on each vehicle. The transaction file shall contain as a minimum those of the following items that are required at the time the vehicle is redeemed or becomes abandoned and is sold at a public auction:

- (1) A signed impoundment authorization as required by RCW 46.55.080;
- (2) A record of the twenty-four hour written impound notice to a law enforcement agency;
- (3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, that advises the owners of the address of the impounding firm, a twenty-four hour telephone number, and the name of the person or agency under whose authority the vehicle was impounded;
- (4) A copy of the abandoned vehicle report that was sent to and returned by the department;
- (5) A copy and proof of mailing of the notice of custody and sale sent by the registered

tow truck operator to the owners advising them they have fifteen days to redeem the vehicle before it is sold at public auction;

(6) A copy of the published notice of public auction;

(7) A copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and sale price;

(8) A record of the two highest bid offers on the vehicle, with the names, addresses, and telephone numbers of the two bidders;

(9) A copy of the notice of opportunity for hearing given to those who redeem vehicles;

(10) An itemized invoice of charges against the vehicle.

The transaction file shall be kept for a minimum of three years.

[1989 c 111 § 14; 1987 c 311 § 15; 1985 c 377 § 15.]

RCW 46.55.160 Availability of records, equipment, and facilities for audit and inspection.

Records, equipment, and facilities of a registered tow truck operator shall be available during normal business hours for audit or inspection by the department of licensing, the Washington state patrol, or any law enforcement agency having jurisdiction.

[1985 c 377 § 16.]

RCW 46.55.170 Complaints, where forwarded.

(1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the state patrol.

[1987 c 330 § 741; 1985 c 377 § 17.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.55.180 Presiding officer at licensing hearing.

The director or the chief of the state patrol may use a hearing officer or administrative law judge for presiding over a hearing regarding licensing provisions under this chapter or rules adopted under it.

[1989 c 111 § 15; 1987 c 330 § 742; 1985 c 377 § 18.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.55.190 Rules.

The director, in cooperation with the chief of the Washington state patrol, shall adopt rules that carry out the provisions and intent of this chapter.

[1985 c 377 § 19.]

RCW 46.55.200 Penalties for certain acts or omissions.

A registered tow truck operator's license may be denied, suspended, or revoked, or the licensee may be ordered to pay a monetary penalty of a civil nature, not to exceed one thousand dollars per violation, or the licensee may be subjected to any combination of license and monetary penalty, whenever the director has reason to believe the licensee has committed, or is at the time committing, a violation of this chapter or rules adopted under it or any other statute or rule relating to the title or disposition of vehicles or vehicle hulks, including but not limited to:

(1) Towing any abandoned vehicle without first obtaining and having in the operator's possession at all times while transporting it, appropriate evidence of ownership or an impound authorization properly executed by the private person or public official having control over the property on which the unauthorized vehicle was found;

(2) Forging the signature of the registered or legal owner on a certificate of title, or forging the signature of any authorized person on documents pertaining to unauthorized or abandoned vehicles or automobile hulks;

(3) Failing to comply with the statutes and rules relating to the processing and sale of abandoned vehicles;

(4) Failing to accept bids on any abandoned vehicle offered at public sale;

(5) Failing to transmit to the state surplus funds derived from the sale of an abandoned vehicle;

(6) Selling, disposing of, or having in his possession, without notifying law enforcement officials, a vehicle that he knows or has reason to know has been stolen or illegally appropriated without the consent of the owner;

(7) Failing to comply with the statutes and rules relating to the transfer of ownership of vehicles or other procedures after public sale; or

(8) Failing to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after the assessment becomes final.

All orders by the director made under this chapter are subject to the Administrative Procedure Act, chapter 34.05 RCW.

[1989 c 111 § 16; 1985 c 377 § 20.]

RCW 46.55.210 Cease and desist order.

Whenever it appears to the director that any registered tow truck operator or a person offering towing services has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule adopted hereunder, the director may issue

an order directing the operator or person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after the receipt of notice.

[1987 c 311 § 17; 1985 c 377 § 21.]

RCW 46.55.220 Refusal to issue license, grounds for.

If an application for a license to conduct business as a registered tow truck operator is filed by any person whose license has previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department, after a hearing, of which the applicant has been given twenty days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to conduct business as a registered tow truck operator.

[1987 c 311 § 18; 1985 c 377 § 22.]

JUNK VEHICLE DISPOSITION

RCW 46.55.230 Junk vehicles--Removal, disposal, sale--Penalties--Cleanup restitution payment.

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70.95.240, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of

the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) It is a gross misdemeanor for a person to abandon a junk vehicle on property. If a junk vehicle is abandoned, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

[2001 c 139 § 3; 2000 c 154 § 4; 1991 c 292 § 2; 1987 c 311 § 19; 1985 c 377 § 23.]

NOTES:

Severability--2000 c 154: See note following RCW 70.93.030.

LOCAL REGULATION

RCW 46.55.240 Local ordinances--Requirements.

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the

vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored. A city, town, or county may also provide for the payment to the tow truck operator or wrecker as a part of a neighborhood revitalization program.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

[1994 c 176 § 2; 1991 c 292 § 3; 1989 c 111 § 17; 1987 c 311 § 20; 1985 c 377 § 24.]

MISCELLANEOUS

RCW 46.55.900 Severability--1985 c 377.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1985 c 377 § 26.]

RCW 46.55.901 Headings not part of law--1985 c 377.

Headings and captions used in this act are not any part of the law.

[1985 c 377 § 27.]

RCW 46.55.902 Effective date--1985 c 377.

This act shall take effect on January 1, 1986.

[1985 c 377 § 31.]

RCW 46.55.910 Chapter not applicable to certain activities of department of transportation.

This chapter does not apply to the state department of transportation to the extent that it may remove vehicles that are traffic hazards from bridges and the mountain passes without prior authorization. If such a vehicle is removed, the department shall immediately notify the appropriate local law enforcement agency, and the vehicle shall be processed in accordance with RCW 46.55.110.

[1989 c 111 § 18.]

**Chapter 46.61 RCW
RULES OF THE ROAD**

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OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

RCW 46.61.005 Chapter refers to vehicles upon highways--Exceptions.

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section.

(2) The provisions of RCW 46.52.010 through 46.52.090, 46.61.500 through 46.61.525, and 46.61.5249 shall apply upon highways and elsewhere throughout the state.

[1997 c 66 § 13; 1990 c 291 § 4; 1965 ex.s. c 155 § 1.]

RCW 46.61.015 Obedience to police officers, flaggers, or fire fighters--Penalty.

No person shall willfully fail or refuse to comply with any lawful order or direction of any duly authorized flagger or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic.

A violation of this section is a misdemeanor.

[2000 c 239 § 4; 1995 c 50 § 1; 1975 c 62 § 17; 1965 ex.s. c 155 § 3.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Captions not law--2000 c 239: See note following RCW 49.17.350.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.020 Refusal to give information to or cooperate with officer--Penalty.

It is unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it is likewise unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his certificate of license registration of such vehicle, his insurance identification card, or his vehicle driver's license or to refuse to permit such officer to take any such license, card, or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle, insurance card, or his vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his authorization as such.

A violation of this section is a misdemeanor.

[1995 c 50 § 2; 1989 c 353 § 6; 1967 c 32 § 65; 1961 c 12 § 46.56.190. Prior: 1937 c 189 § 126; RRS § 6360-126; 1927 c 309 § 38; RRS § 6362-38. Formerly RCW 46.56.190.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

RCW 46.61.021 Duty to obey law enforcement officer--Authority of officer.

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check for outstanding warrants, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself or herself, give his or her current address, and sign an acknowledgement of receipt of the notice of infraction.

[1997 1st sp.s. c 1 § 1; 1989 c 353 § 7; 1979 ex.s. c 136 § 4.]

Notes:

Effective date--1997 1st sp.s. c 1: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [September 17, 1997]." [1997 1st sp.s. c 1 § 2.]

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.022 Failure to obey officer--Penalty.

Any person who wilfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer or to comply with RCW 46.61.021(3), is guilty of a misdemeanor.

[1979 ex.s. c 136 § 5.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.024 Attempting to elude pursuing police vehicle--License revocation.

Any driver of a motor vehicle who wilfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a manner indicating a wanton or wilful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official police vehicle.

The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing.

[1983 c 80 § 1; 1982 1st ex.s. c 47 § 25; 1979 ex.s. c 75 § 1.]

Notes:

Severability--1982 1st ex.s. c 47: See note following RCW 9.41.190.

RCW 46.61.025 Persons riding animals or driving animal-drawn vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except those provisions of this chapter which by their very nature can have no application.

[1965 ex.s. c 155 § 4.]

RCW 46.61.030 Persons working on highway right of way--Exceptions.

Unless specifically made applicable, the provisions of this chapter except those contained in RCW 46.61.500 through 46.61.520 shall not apply to persons, motor vehicles and other equipment while engaged in work within the right of way of any highway but shall apply to such persons and vehicles when traveling to or from such work.

[1969 c 76 § 1; 1965 ex.s. c 155 § 5.]

RCW 46.61.035 Authorized emergency vehicles.

(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this chapter;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that: (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle; (b) authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency

vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

[1969 c 23 § 1; 1965 ex.s. c 155 § 6.]

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

RCW 46.61.050 Obedience to and required traffic control devices.

(1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

[1975 c 62 § 18; 1965 ex.s. c 155 § 7.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

Bicycle awareness program: RCW 43.43.390.

RCW 46.61.055 Traffic control signal legend.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicle operators facing a circular green signal may proceed straight through or turn

right or left unless a sign at such place prohibits either such turn. Vehicle operators turning right or left shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators turning right or left shall also stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Vehicle operators shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators shall also stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicle operators facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicle operators shall stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 shall not enter the roadway.

(3) Steady red indication

(a) Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown. However, the vehicle operators facing a steady circular red signal may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the same

time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown. However, the vehicle operators facing a steady red arrow indication may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(d) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(4) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

[1993 c 153 § 2; 1990 c 241 § 2; 1975 c 62 § 19; 1965 ex.s. c 155 § 8.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.060 Pedestrian control signals.

Whenever pedestrian control signals exhibiting the words "Walk" or the walking person symbol or "Don't Walk" or the hand symbol are operating, the signals shall indicate as follows:

(1) WALK or walking person symbol—Pedestrians facing such signal may cross the roadway in the direction of the signal. Vehicle operators shall stop for pedestrians who are lawfully moving within the intersection control area on such signal as required by RCW 46.61.235(1).

(2) Steady or flashing DON'T WALK or hand symbol—Pedestrians facing such signal shall not enter the roadway. Vehicle operators shall stop for pedestrians who have begun to cross the roadway before the display of either signal as required by RCW 46.61.235(1).

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk" or the hand symbol.

[1993 c 153 § 3; 1990 c 241 § 3; 1975 c 62 § 20; 1965 ex.s. c 155 § 9.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.065 Flashing signals.

(1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) FLASHING RED (STOP SIGNAL). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) FLASHING YELLOW (CAUTION SIGNAL). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in RCW 46.61.340.

[1975 c 62 § 21; 1965 ex.s. c 155 § 10.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.070 Lane-direction-control signals.

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

[1965 ex.s. c 155 § 11.]

RCW 46.61.072 Special traffic control signals--Legend.

Whenever special traffic control signals exhibit a downward green arrow, a yellow X, or a red X indication, such signal indication shall have the following meaning:

(1) A steady downward green arrow means that a driver is permitted to drive in the lane over which the arrow signal is located.

(2) A steady yellow X or flashing red X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red X is displayed.

(3) A flashing yellow X means that a driver is permitted to use a lane over which the signal is located for a left turn, using proper caution.

(4) A steady red X means that a driver shall not drive in the lane over which the signal is located, and that this indication shall modify accordingly the meaning of all other traffic controls

present. The driver shall obey all other traffic controls and follow normal safe driving practices.

[1975 c 62 § 49.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.075 Display of unauthorized signs, signals, or markings.

(1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

[1965 ex.s. c 155 § 12.]

RCW 46.61.080 Interference with official traffic-control devices or railroad signs or signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

[1965 ex.s. c 155 § 13.]

Notes:

Interference with traffic-control signals or railroad signs or signals: RCW 47.36.130.

RCW 46.61.085 Traffic control signals or devices upon city streets forming part of state highways--Approval by department of transportation.

No traffic control signal or device may be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the state department of transportation.

[1984 c 7 § 62; 1965 ex.s. c 155 § 14.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Local authorities to provide stop signs at intersections with increased speed highways: RCW 46.61.435.

DRIVING ON RIGHT SIDE OF ROADWAY--
OVERTAKING AND PASSING--
USE OF ROADWAY

RCW 46.61.100 Keep right except when passing, etc.

(1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes and providing for two-way movement traffic under the rules applicable thereon; or

(d) Upon a street or highway restricted to one-way traffic.

(2) Upon all roadways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lane then available for traffic, except (a) when overtaking and passing another vehicle proceeding in the same direction, (b) when traveling at a speed greater than the traffic flow, (c) when moving left to allow traffic to merge, or (d) when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted. On any such roadway, a vehicle or combination over ten thousand pounds shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection.

(3) No vehicle towing a trailer or no vehicle or combination over ten thousand pounds may be driven in the left-hand lane of a limited access roadway having three or more lanes for traffic moving in one direction except when preparing for a left turn at an intersection, exit, or into a private road or driveway when a left turn is legally permitted. This subsection does not apply to a vehicle using a high-occupancy vehicle lane. A high-occupancy vehicle lane is not considered the left-hand lane of a roadway. The department of transportation, in consultation with the Washington state patrol, shall adopt rules specifying (a) those circumstances where it is permissible for other vehicles to use the left lane in case of emergency or to facilitate the orderly flow of traffic, and (b) those segments of limited access roadway to be exempt from this subsection due to the operational characteristics of the roadway.

(4) It is a traffic infraction to drive continuously in the left lane of a multilane roadway when it impedes the flow of other traffic.

(5) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle shall not be driven to the left of the center line of the

roadway except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

[1997 c 253 § 1; 1986 c 93 § 2; 1972 ex.s. c 33 § 1; 1969 ex.s. c 281 § 46; 1967 ex.s. c 145 § 58; 1965 ex.s. c 155 § 15.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Legislative intent--1986 c 93: "It is the intent of the legislature, in this 1985 [1986] amendment of RCW 46.61.100, that the left-hand lane on any state highway with two or more lanes in the same direction be used primarily as a passing lane." [1986 c 93 § 1.]

Information on proper use of left-hand lane: RCW 28A.220.050, 46.20.095, 46.82.430, 47.36.260.

RCW 46.61.105 Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

[1975 c 62 § 22; 1965 ex.s. c 155 § 16.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.110 Overtaking a vehicle on the left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

[1965 ex.s. c 155 § 17.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.115 When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only

under the following conditions:

- (a) When the vehicle overtaken is making or about to make a left turn;
- (b) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

[1975 c 62 § 23; 1965 ex.s. c 155 § 18.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.120 Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of RCW 46.61.100 through 46.61.160 and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

[1965 ex.s. c 155 § 19.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.125 Further limitations on driving to left of center of roadway.

(1) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

[1972 ex.s. c 33 § 2; 1965 ex.s. c 155 § 20.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.130 No-passing zones.

(1) The state department of transportation and the local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) of this section, no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(3) This section does not apply under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

[1984 c 7 § 63; 1972 ex.s. c 33 § 3; 1965 ex.s. c 155 § 21.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.61.135 One-way roadways and rotary traffic islands.

(1) The state department of transportation and the local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(2) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

[1984 c 7 § 64; 1975 c 62 § 24; 1965 ex.s. c 155 § 22.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.140 Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(3) Official traffic-control devices may be erected directing slow moving or other specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

[1965 ex.s. c 155 § 23.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.145 Following too closely.

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

[1965 ex.s. c 155 § 24.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.150 Driving on divided highways.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by a median island not less than eighteen inches wide formed either by solid yellow pavement markings or by a yellow crosshatching between two solid yellow lines so installed as to control vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, or median island, except through an opening in such physical barrier or dividing section or space or median island, or at a crossover or intersection established by public authority.

[1972 ex.s. c 33 § 4; 1965 ex.s. c 155 § 25.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.155 Restricted access.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

[1965 ex.s. c 155 § 26.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.160 Restrictions on limited-access highway--Use by bicyclists.

The department of transportation may by order, and local authorities may by ordinance or resolution, with respect to any limited access highway under their respective jurisdictions prohibit the use of any such highway by funeral processions, or by parades, pedestrians, bicycles or other nonmotorized traffic, or by any person operating a motor-driven cycle. Bicyclists may use the right shoulder of limited-access highways except where prohibited. The department of transportation may by order, and local authorities may by ordinance or resolution, with respect to any limited-access highway under their respective jurisdictions prohibit the use of the shoulders of any such highway by bicycles within urban areas or upon other sections of the highway where such use is deemed to be unsafe.

The department of transportation or the local authority adopting any such prohibitory regulation shall erect and maintain official traffic control devices on the limited access roadway on which such regulations are applicable, and when so erected no person may disobey the restrictions stated on such devices.

[1982 c 55 § 5; 1975 c 62 § 25; 1965 ex.s. c 155 § 27.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.165 High-occupancy vehicle lanes.

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

[1999 c 206 § 1; 1998 c 245 § 90; 1991 sp.s. c 15 § 67; 1984 c 7 § 65; 1974 ex.s. c 133 § 2.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

Severability--1984 c 7: See note following RCW 47.01.141.

Limited access facilities: RCW 47.52.025.

RIGHT OF WAY

RCW 46.61.180 Vehicle approaching intersection.

(1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(2) The right of way rule declared in subsection (1) of this section is modified at arterial highways and otherwise as stated in this chapter.

[1975 c 62 § 26; 1965 ex.s. c 155 § 28.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.183 Nonfunctioning signal lights.

Except when directed to proceed by a flagger, police officer, or fire fighter, the driver of a vehicle approaching an intersection controlled by a traffic control signal that is temporarily without power on all approaches or is not displaying any green, red, or yellow indication to the approach the vehicle is on, shall consider the intersection to be an all-way stop. After stopping, the driver shall yield the right of way in accordance with RCW 46.61.180(1) and 46.61.185.

[1999 c 200 § 1.]

RCW 46.61.185 Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

[1965 ex.s. c 155 § 29.]

RCW 46.61.190 Vehicle entering stop or yield intersection.

(1) Preferential right of way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized flagger, or a police officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right of way.

[2000 c 239 § 5; 1975 c 62 § 27; 1965 ex.s. c 155 § 30.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Captions not law--2000 c 239: See note following RCW 49.17.350.

Severability--1975 c 62: See note following RCW 36.75.010.

Stop signs, "Yield" signs--Duties of persons using highway: RCW 47.36.110.

RCW 46.61.195 Arterial highways designated--Stopping on entering.

All state highways are hereby declared to be arterial highways as respects all other public highways or private ways, except that the state department of transportation has the authority to designate any county road or city street as an arterial having preference over the traffic on the state highway if traffic conditions will be improved by such action.

Those city streets designated by the state department of transportation as forming a part of the routes of state highways through incorporated cities and towns are declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if the change is first approved in writing by the state department of transportation. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield" signs, to accomplish this change in arterial designation.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering the arterial highway when stop signs are erected as provided by law.

[1984 c 7 § 66; 1963 ex.s. c 3 § 48; 1961 c 12 § 46.60.330. Prior: 1955 c 146 § 5; 1947 c 200 § 14; 1937 c 189 § 105; Rem. Supp. 1947 § 6360-105. Formerly RCW 46.60.330.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

City streets subject to increased speed, designation as arterials: RCW 46.61.435.

Stop signs, "Yield" signs--Duties of persons using highway: RCW 47.36.110.

RCW 46.61.200 Stop intersections other than arterial may be designated.

In addition to the points of intersection of any public highway with any arterial public highway that is constituted by law or by any proper authorities of this state or any city or town of this state, the state department of transportation with respect to state highways, and the proper authorities with respect to any other public highways, have the power to determine and designate any particular intersection, or any particular highways, roads, or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection. Upon the determination and designation of such points at which vehicles will be required to come to a stop before entering the intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the state department of transportation indicating that the intersection has been so determined and designated and that vehicles entering it are required to stop. It is unlawful for any person operating any vehicle when entering any intersection determined, designated, and bearing the required sign to fail and neglect to bring the vehicle to a complete stop before entering the intersection.

[1984 c 7 § 67; 1961 c 12 § 46.60.340. Prior: 1937 c 189 § 106; RRS § 6360-106; 1927 c 284 § 1; RRS §

6362-41a. Formerly RCW 46.60.340.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.61.202 Stopping when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic control signal indications to proceed.

[1975 c 62 § 48.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.205 Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles lawfully approaching on said highway.

[1990 c 250 § 88; 1965 ex.s. c 155 § 31.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.61.210 Operation of vehicles on approach of emergency vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

[1965 ex.s. c 155 § 32.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.215 Highway construction and maintenance.

(1) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of RCW 46.37.300.

[1975 c 62 § 40.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.220 Transit vehicles.

(1) The driver of a vehicle shall yield the right of way to a transit vehicle traveling in the same direction that has signalled and is reentering the traffic flow.

(2) Nothing in this section shall operate to relieve the driver of a transit vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

[1993 c 401 § 1.]

PEDESTRIANS' RIGHTS AND DUTIES

RCW 46.61.230 Pedestrians subject to traffic regulations.

Pedestrians shall be subject to traffic-control signals at intersections as provided in RCW 46.61.060, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

[1965 ex.s. c 155 § 33.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.235 Crosswalks.

(1) The operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian or bicycle to cross the roadway within an unmarked or marked crosswalk when the pedestrian or bicycle is upon or within one lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

(2) No pedestrian or bicycle shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Subsection (1) of this section does not apply under the conditions stated in RCW

46.61.240(2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian or bicycle to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

[2000 c 85 § 1; 1993 c 153 § 1; 1990 c 241 § 4; 1965 ex.s. c 155 § 34.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.240 Crossing at other than crosswalks.

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(2) Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, disabled persons may enter the roadway from the curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this chapter remain applicable.

(3) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(4) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(5) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(6) No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

[1990 c 241 § 5; 1965 ex.s. c 155 § 35.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.245 Drivers to exercise care.

Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

[1965 ex.s. c 155 § 36.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.
Blind pedestrians: Chapter 70.84 RCW.

RCW 46.61.250 Pedestrians on roadways.

(1) Where sidewalks are provided it is unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway. Where sidewalks are provided but wheelchair access is not available, disabled persons who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk.

(2) Where sidewalks are not provided any pedestrian walking or otherwise moving along and upon a highway shall, when practicable, walk or move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall move clear of the roadway.

[1990 c 241 § 6; 1965 ex.s. c 155 § 37.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.255 Pedestrians soliciting rides or business.

(1) No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle.

(2) It shall be unlawful for any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highway.

(3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(6)(a) Except as provided in (b) of this subsection, the state preempts the field of the regulation of hitchhiking in any form, and no county, city, or town shall take any action in conflict with the provisions of this section.

(b) A county, city, or town may regulate or prohibit hitchhiking in an area in which it has determined that prostitution is occurring and that regulating or prohibiting hitchhiking will help to reduce prostitution in the area.

[1989 c 288 § 1; 1972 ex.s. c 38 § 1; 1965 ex.s. c 155 § 38.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.260 Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone.

[1965 ex.s. c 155 § 39.]

RCW 46.61.261 Sidewalks, crosswalks--Pedestrians, bicycles.

The driver of a vehicle shall yield the right of way to any pedestrian or bicycle on a sidewalk. The rider of a bicycle shall yield the right of way to a pedestrian on a sidewalk or crosswalk.

[2000 c 85 § 2; 1975 c 62 § 41.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.264 Pedestrians yield to emergency vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of RCW 46.37.380 subsection (4) and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle meeting the requirements of RCW 46.61.035 subsection (3), every pedestrian shall yield the right of way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

[1975 c 62 § 42.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.266 Pedestrians under the influence of alcohol or drugs.

A law enforcement officer may offer to transport a pedestrian who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the pedestrian is to be taken into protective custody under RCW 70.96A.120.

The law enforcement officer offering to transport an intoxicated pedestrian under this section shall:

- (1) Transport the intoxicated pedestrian to a safe place; or
- (2) Release the intoxicated pedestrian to a competent person.

The law enforcement officer shall take no action if the pedestrian refuses this assistance. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the state of Washington, or any political subdivision of the state for any act resulting from the refusal of the pedestrian to accept this assistance.

[1990 c 241 § 7; 1987 c 11 § 1; 1975 c 62 § 43.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.269 Passing beyond bridge or grade crossing barrier prohibited.

(1) No pedestrian shall enter or remain upon any bridge or approach thereto beyond a bridge signal gate, or barrier indicating a bridge is closed to through traffic, after a bridge operation signal indication has been given.

(2) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

[1975 c 62 § 44.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

RCW 46.61.290 Required position and method of turning at intersections.

The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(3) Two-way left turn lanes.

(a) The department of transportation and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in either direction from or into the

roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of transportation shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code reviser in accordance with the procedures set forth in the administrative procedure act, chapter 34.05 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from either direction, no vehicles may turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. No vehicle may travel further than three hundred feet within the lane. A signal, either electric or manual, for indicating a left turn movement, shall be made at least one hundred feet before the actual left turn movement is made.

(4) The department of transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when the devices are so placed no driver of a vehicle may turn a vehicle other than as directed and required by the devices.

[1997 c 202 § 1. Prior: 1984 c 12 § 1; 1984 c 7 § 68; 1975 c 62 § 28; 1969 ex.s. c 281 § 61; 1965 ex.s. c 155 § 40.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.295 "U" turns.

(1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

[1975 c 62 § 29; 1965 ex.s. c 155 § 41.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

Limited access highways: RCW 47.52.120.

RCW 46.61.300 Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such

movement can be made with reasonable safety.

[1965 ex.s. c 155 § 42.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.305 When signals required--Improper use prohibited.

(1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in RCW 46.61.310 subsection (2), shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

[1975 c 62 § 30; 1965 ex.s. c 155 § 43.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.310 Signals by hand and arm or signal lamps.

(1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2) hereof.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurements shall apply to any single vehicle, also to any combination of vehicles.

[1965 ex.s. c 155 § 44.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.315 Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the

vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn. Hand and arm extended horizontally.
- (2) Right turn. Hand and arm extended upward.
- (3) Stop or decrease speed. Hand and arm extended downward.

[1965 ex.s. c 155 § 45.]

SPECIAL STOPS REQUIRED

RCW 46.61.340 Approaching train signal.

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until the crossing can be made safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

[2000 c 239 § 6; 1965 ex.s. c 155 § 46.]

Notes:

Captions not law--2000 c 239: See note following RCW 49.17.350.

RCW 46.61.345 All vehicles must stop at certain railroad grade crossings.

The state department of transportation and local authorities within their respective jurisdictions are authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs at those crossings. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall proceed only upon exercising due care.

[1984 c 7 § 69; 1965 ex.s. c 155 § 47.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.61.350 Certain vehicles must stop at all railroad grade crossings--Exceptions.

(1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child or other passenger, or of

any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) This section shall not apply at:

(a) Any railroad grade crossing at which traffic is controlled by a police officer or a duly authorized flagman;

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Any railroad grade crossing at which an official traffic control device as designated by the utilities and transportation commission pursuant to RCW 81.53.060 gives notice that the stopping requirement imposed by this section does not apply.

[1977 c 78 § 1; 1975 c 62 § 31; 1970 ex.s. c 100 § 7; 1965 ex.s. c 155 § 48.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.355 Moving heavy equipment at railroad grade crossings--Notice of intended crossing.

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a

flagger is provided by the railroad, movement over the crossing shall be under the flagger's direction.

[2000 c 239 § 7; 1975 c 62 § 32; 1965 ex.s. c 155 § 49.]

Notes:

Captions not law--2000 c 239: See note following RCW 49.17.350.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.365 Emerging from alley, driveway, or building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

[1965 ex.s. c 155 § 51.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.370 Overtaking or meeting school bus--Duties of bus driver.

(1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such school bus resumes motion or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(3) The driver of a vehicle upon a highway with three or more marked traffic lanes need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(4) The driver of a school bus shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the roadway for the purpose of receiving or discharging school children.

(5) The driver of a school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading school children at such stops.

(6) A person found to have committed an infraction of subsection (1) of this section shall be assessed a monetary penalty equal to twice the total penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended. Fifty percent of the money so collected

shall be deposited into the school zone safety account in the custody of the state treasurer and disbursed in accordance with RCW 46.61.440(3).

[1997 c 80 § 1; 1990 c 241 § 8; 1965 ex.s. c 155 § 52.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Bus routes: RCW 28A.160.115.

RCW 46.61.371 School bus stop sign violators--Identification by vehicle owner.

If a law enforcement officer investigating a violation of RCW 46.61.370 has reasonable cause to believe that a violation has occurred, the officer may request the owner of the motor vehicle to supply information identifying the driver of the vehicle at the time the violation occurred. When requested, the owner of the motor vehicle shall identify the driver to the best of the owner's ability. The owner of the vehicle is not required to supply identification information to the law enforcement officer if the owner believes the information is self-incriminating.

[1992 c 39 § 1.]

RCW 46.61.372 School bus stop sign violators--Report by bus driver--Law enforcement investigation.

(1) The driver of a school bus who observes a violation of RCW 46.61.370 may prepare a written report on a form provided by the state patrol or another law enforcement agency indicating that a violation has occurred. The driver of the school bus or a school official may deliver the report to a law enforcement officer of the state, county, or municipality in which the violation occurred but not more than seventy-two hours after the violation occurred. The driver shall include in the report the time and location at which the violation occurred, the vehicle license plate number, and a description of the vehicle involved in the violation.

(2) The law enforcement officer shall initiate an investigation of the reported violation within ten working days after receiving the report described in subsection (1) of this section by contacting the owner of the motor vehicle involved in the reported violation and requesting the owner to supply information identifying the driver. Failure to investigate within the ten working day period does not prohibit further investigation or prosecution. If, after an investigation, the law enforcement officer is able to identify the driver and has reasonable cause to believe a violation of RCW 46.61.370 has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.

[1992 c 39 § 2.]

RCW 46.61.375 Overtaking or meeting private carrier bus--Duties of bus driver.

(1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the roadway for the purpose of receiving or discharging any

passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such bus resumes motion or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(3) The driver of a vehicle upon a highway with three or more lanes need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(4) The driver of a private carrier bus shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the roadway for the purpose of receiving or discharging passengers.

(5) The driver of a private carrier bus may stop a private carrier bus completely off the roadway for the purpose of receiving or discharging passengers only when the passengers do not have to cross the roadway. The private carrier bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading passengers at such stops.

[1990 c 241 § 9; 1970 ex.s. c 100 § 8.]

RCW 46.61.380 Rules for design, marking, and mode of operating school buses.

The state superintendent of public instruction shall adopt and enforce rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children. Those rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district is subject to such rules. It is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such rules.

[1995 c 269 § 2501; 1984 c 7 § 70; 1961 c 12 § 46.48.150. Prior: 1937 c 189 § 131; RRS § 6360-131. Formerly RCW 46.48.150.]

NOTES:

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Severability--1984 c 7: See note following RCW 47.01.141.

School buses

generally: Chapter 28A.160 RCW.

signs: RCW 46.37.193.

stop signal and lamps: RCW 46.37.190.

RCW 46.61.385 School patrol--Appointment--Authority--Finance--Insurance.

The superintendent of public instruction, through the superintendent of schools of any

school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed voluntary adult recruits as supervisors and, from the student body of any public or private school or institution of learning, students, who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear an appropriate designation or insignia identifying them as members of the school patrol when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol and their supervisors shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

School districts, at their discretion, may hire sufficient numbers of adults to serve as supervisors. Such adults shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Members of the school patrol shall be considered as employees for the purposes of RCW 28A.400.370.

[1990 c 33 § 585; 1974 ex.s. c 47 § 1; 1961 c 12 § 46.48.160. Prior: 1953 c 278 § 1; 1937 c 189 § 130; RRS § 6360-130; 1927 c 309 § 42; RRS § 6362-42. Formerly RCW 46.48.160.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

SPEED RESTRICTIONS

RCW 46.61.400 Basic rule and maximum limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any

person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

- (a) Twenty-five miles per hour on city and town streets;
- (b) Fifty miles per hour on county roads;
- (c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

[1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Saving of existing orders, etc., establishing speed limits--1963 c 16: "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.]

RCW 46.61.405 Decreases by secretary of transportation.

Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed set forth in RCW 46.61.400 is necessary in order to comply with a national maximum speed limit, the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will comply with a national maximum speed limit, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto

stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended.

[1987 c 397 § 3; 1977 ex.s. c 151 § 34; 1974 ex.s. c 103 § 1; 1970 ex.s. c 100 § 2; 1967 c 25 § 1; 1963 c 16 § 2. Formerly RCW 46.48.012.]

Notes:

Intent--1987 c 397: See note following RCW 46.61.410.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.410 Increases by secretary of transportation--Maximum speed limit for trucks--Auto stages--Signs and notices.

(1)(a) Subject to subsection (2) of this section the secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway.

(b) The greater maximum limit established under (a) of this subsection shall be effective when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(c) Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the secretary as provided in RCW 46.61.405.

(3) The word "trucks" used by the department on signs giving notice of maximum speed limits means vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the secretary establishes maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary shall cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

[1996 c 52 § 1; 1987 c 397 § 4; 1977 ex.s. c 151 § 35; 1974 ex.s. c 103 § 2; 1970 ex.s. c 100 § 1; 1969 ex.s. c 12 § 1; 1965 ex.s. c 155 § 55; 1963 c 16 § 3. Formerly RCW 46.48.013.]

Notes:

Intent--1987 c 397: "It is the intent of the legislature to increase the speed limit to sixty-five miles per hour on those portions of the rural interstate highway system where the increase would be safe and reasonable and is allowed by federal law. It is also the intent of the legislature that the sixty-five miles per hour speed limit be strictly enforced." [1987 c 397 § 1.]

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.415 When local authorities may alter maximum limits.

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the secretary of transportation.

[1977 ex.s. c 151 § 36; 1974 ex.s. c 103 § 3; 1963 c 16 § 4. Formerly RCW 46.48.014.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.425 Minimum speed regulation--Passing slow moving vehicle.

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the

legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

[1977 ex.s. c 151 § 37; 1969 c 135 § 1; 1967 c 25 § 2; 1963 c 16 § 6. Formerly RCW 46.48.015.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.427 Slow-moving vehicle to pull off roadway.

On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

[1973 c 88 § 1.]

RCW 46.61.428 Slow-moving vehicle driving on shoulders, when.

(1) The state department of transportation and local authorities are authorized to determine those portions of any two-lane highways under their respective jurisdictions on which drivers of slow-moving vehicles may safely drive onto improved shoulders for the purpose of allowing overtaking vehicles to pass and may by appropriate signs indicate the beginning and end of such zones.

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow-moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section.

[1984 c 7 § 71; 1977 ex.s. c 39 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.61.430 Authority of secretary of transportation to fix speed limits on limited access facilities exclusive--Local regulations.

Notwithstanding any law to the contrary or inconsistent herewith, the secretary of transportation shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect.

[1977 ex.s. c 151 § 38; 1974 ex.s. c 103 § 4; 1961 c 12 § 46.48.041. Prior: 1955 c 177 § 5. Formerly RCW 46.48.041.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.435 Local authorities to provide "stop" or "yield" signs at intersections with increased speed highways--Designated as arterials.

The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every highway intersecting a highway where an increased speed is permitted, as provided in this chapter, appropriate stop or yield signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway.

[1975 c 62 § 33; 1961 c 12 § 46.48.046. Prior: 1951 c 28 § 4; prior: 1937 c 189 § 66, part; RRS § 6360-66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362-5, part. Formerly RCW 46.48.046.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

Designation of city streets as arterials, stopping on entering: RCW 46.61.195.

Traffic control signals or devices upon city streets forming part of state highways: RCW 46.61.085.

RCW 46.61.440 Maximum speed limit when passing school or playground crosswalks--Penalty, disposition of proceeds.

(1) Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the

crosswalk shall extend three hundred feet in either direction from the marked crosswalk.

(2) A person found to have committed any infraction relating to speed restrictions within a school or playground speed zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(3) The school zone safety account is created in the custody of the state treasurer. Fifty percent of the moneys collected under subsection (2) of this section shall be deposited into the account. Expenditures from the account may be used only by the Washington traffic safety commission solely to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas. Only the director of the traffic safety commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures until July 1, 1999, after which date moneys in the account may be spent only after appropriation.

[1997 c 80 § 2; 1996 c 114 § 1; 1975 c 62 § 34; 1963 c 16 § 5; 1961 c 12 § 46.48.023. Prior: 1951 c 28 § 9; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. §2531, part. Formerly RCW 46.48.023.]

Notes:

Effective date--1996 c 114: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 20, 1996]." [1996 c 114 § 2.]

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.445 Due care required.

Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require.

[1961 c 12 § 46.48.025. Prior: 1951 c 28 § 11; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part. Formerly RCW 46.48.025.]

Notes:

Duty to use due care: RCW 46.61.400(1).

RCW 46.61.450 Maximum speed, weight, or size in traversing bridges, elevated structures, tunnels, underpasses--Posting limits.

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or

carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

[1977 ex.s. c 151 § 39; 1961 c 12 § 46.48.080. Prior: 1937 c 189 § 70; RRS § 6360-70. Formerly RCW 46.48.080.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.455 Vehicles with solid or hollow cushion tires.

Except for vehicles equipped with temporary-use spare tires that meet federal standards, it shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour: PROVIDED, That the temporary-use spare tires are installed and used in accordance with the manufacturer's instructions.

[1990 c 105 § 3; 1961 c 12 § 46.48.110. Prior: 1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73. Formerly RCW 46.48.110.]

RCW 46.61.460 Special speed limitation on motor-driven cycle.

No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

[1965 ex.s. c 155 § 57.]

RCW 46.61.465 Exceeding speed limit evidence of reckless driving.

The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof.

[1961 c 12 § 46.48.026. Prior: 1951 c 28 § 12; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. §2531, part. Formerly RCW 46.48.026.]

RCW 46.61.470 Speed traps defined, certain types permitted--Measured courses, speed measuring devices, timing from aircraft.

(1) No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules, or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a speed trap except as provided in subsection (2) of this section. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap.

(2) Evidence shall be admissible against any person arrested or issued a notice of a traffic infraction for violation of any of the laws of this state or of any orders, rules, or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and either: (a) The limits of which are controlled by a mechanical, electrical, or other device capable of measuring or recording the speed of a vehicle passing within such limits; or (b) a timing device is operated from an aircraft, which timing device when used to measure the elapsed time of a vehicle passing over such a particular section of or distance upon a public highway indicates the speed of a vehicle.

(3) The exceptions of subsection (2) of this section are limited to devices or observations with a maximum error of not to exceed five percent using the lapsed time during which such

vehicle travels between such limits, and such limits shall not be closer than one-fourth mile.

[1981 c 105 § 1; 1961 c 12 § 46.48.120. Prior: 1937 c 189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7. Formerly RCW 46.48.120.]

RECKLESS DRIVING, DRIVING UNDER THE INFLUENCE, VEHICULAR HOMICIDE AND ASSAULT

RCW 46.61.500 Reckless driving--Penalty.

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment of not more than one year and by a fine of not more than five thousand dollars.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

[1990 c 291 § 1; 1979 ex.s. c 136 § 85; 1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

Notes:

Rules of court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Arrest of person involved in reckless driving: RCW 10.31.100.

Criminal history and driving record: RCW 46.61.513.

Embracing another while driving as reckless driving: RCW 46.61.665.

Excess speed as prima facie evidence of reckless driving: RCW 46.61.465.

Racing of vehicles on public highways, reckless driving: RCW 46.61.530.

Revocation of license, reckless driving: RCW 46.20.285.

RCW 46.61.502 Driving under the influence.

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an

analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

[1998 c 213 § 3; 1994 c 275 § 2; 1993 c 328 § 1; 1987 c 373 § 2; 1986 c 153 § 2; 1979 ex.s. c 176 § 1.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1998 c 213: See note following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding, purpose--1987 c 373: "The legislature finds the existing statutes that establish the criteria for determining when a person is guilty of driving a motor vehicle under the influence of intoxicating liquor or drugs are constitutional and do not require any additional criteria to ensure their legality. The purpose of this act is to provide an additional method of defining the crime of driving while intoxicated. This act is not an acknowledgement that the existing breath alcohol standard is legally improper or invalid." [1987 c 373 § 1.]

Severability--1987 c 373: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 373 § 8.]

Severability--1979 ex.s. c 176: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 176 § 8.]

Business operation of vessel or vehicle while intoxicated: RCW 9.91.020.

Criminal history and driving record: RCW 46.61.513.

Operating aircraft recklessly or under influence of intoxicants or drugs: RCW 47.68.220.

Use of vessel in reckless manner or while under influence of alcohol or drugs prohibited: RCW 79A.60.040.

RCW 46.61.503 Driver under twenty-one consuming alcohol--Penalties.

(1) Notwithstanding any other provision of this title, a person is guilty of driving or being in physical control of a motor vehicle after consuming alcohol if the person operates or is in physical control of a motor vehicle within this state and the person:

(a) Is under the age of twenty-one;

(b) Has, within two hours after operating or being in physical control of the motor vehicle, an alcohol concentration of at least 0.02 but less than the concentration specified in RCW 46.61.502, as shown by analysis of the person's breath or blood made under RCW 46.61.506.

(2) It is an affirmative defense to a violation of subsection (1) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a

sufficient quantity of alcohol after the time of driving or being in physical control and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be in violation of subsection (1) of this section within two hours after driving or being in physical control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the earlier of: (a) Seven days prior to trial; or (b) the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(3) Analyses of blood or breath samples obtained more than two hours after the alleged driving or being in physical control may be used as evidence that within two hours of the alleged driving or being in physical control, a person had an alcohol concentration in violation of subsection (1) of this section.

(4) A violation of this section is a misdemeanor.

[1998 c 213 § 4; 1998 c 207 § 5; 1998 c 41 § 8; 1995 c 332 § 2; 1994 c 275 § 10. Formerly RCW 46.20.309.]

Notes:

Reviser's note: This section was amended by 1998 c 41 § 8, 1998 c 207 § 5, and by 1998 c 213 § 4, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 213: See note following RCW 46.20.308.

Effective date--1998 c 207: See note following RCW 46.61.5055.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.61.504 Physical control of vehicle under the influence.

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court

shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

[1998 c 213 § 5; 1994 c 275 § 3; 1993 c 328 § 2; 1987 c 373 § 3; 1986 c 153 § 3; 1979 ex.s. c 176 § 2.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1998 c 213: See note following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding, purpose--Severability--1987 c 373: See notes following RCW 46.61.502.

Severability--1979 ex.s. c 176: See note following RCW 46.61.502.

Criminal history and driving record: RCW 46.61.513.

RCW 46.61.5054 Alcohol violators--Additional fee--Distribution.

(1)(a) In addition to penalties set forth in *RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055 thereafter, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) The remainder of the fee shall be forwarded to the state treasurer who shall, through June 30, 1997, deposit: Fifty percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and fifty percent in the state patrol highway account to be used solely for funding activities to increase the conviction

rate and decrease the incidence of persons driving under the influence of alcohol or drugs. Effective July 1, 1997, the remainder of the fee shall be forwarded to the state treasurer who shall deposit: Fifteen percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and eighty-five percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(3) This section applies to any offense committed on or after July 1, 1993.

[1995 c 398 § 15; 1995 c 332 § 13; 1994 c 275 § 7.]

Notes:

Reviser's note: *(1) RCW 46.61.5051, 46.61.5052, and 46.61.5053 were repealed by 1995 c 332 § 21, effective September 1, 1995.

(2) This section was amended by 1995 c 332 § 13 and by 1995 c 398 § 15, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.61.5055 Alcohol violators--Penalty schedule.

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the

cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred

twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether the person was driving or in physical control of a vehicle with one or more passengers at the time of the offense.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15, or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years.

For purposes of this subsection, the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(7) After expiration of any period of suspension, revocation, or denial of the offender's

license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(8)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock or other biological or technical device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(9) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

(10) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in *RCW 9.94A.728(4).

(11) For purposes of this section:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

[1999 c 324 § 5; 1999 c 274 § 6; 1999 c 5 § 1. Prior: 1998 c 215 § 1; 1998 c 214 § 1; 1998 c 211 § 1; 1998 c 210 § 4; 1998 c 207 § 1; 1998 c 206 § 1; prior: 1997 c 229 § 11; 1997 c 66 § 14; 1996 c 307 § 3; 1995 1st sp.s. c 17 § 2; 1995 c 332 § 5.]

NOTES:

Reviser's note: *(1) This RCW reference has been corrected to reflect the reorganization of chapter 9.94A RCW by 2001 c 10 § 6.

(2) This section was amended by 1999 c 5 § 1, 1999 c 274 § 6, and by 1999 c 324 § 5, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1999 c 5: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 5 § 2.]

Effective date--1999 c 5: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 16, 1999]." [1999 c 5 § 3.]

Effective date--1998 c 214: "This act takes effect January 1, 1999." [1998 c 214 § 6.]

Effective date--1998 c 211: "This act takes effect January 1, 1999." [1998 c 211 § 7.]

Short title--Finding--Intent--Effective date--1998 c 210: See notes following RCW 46.20.720.

Effective date--1998 c 207: "This act takes effect January 1, 1999." [1998 c 207 § 12.]

Effective date--1997 c 229: See note following RCW 10.05.090.

Effective date--1995 1st sp.s. c 17: See note following RCW 46.20.355.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

RCW 46.61.5056 Alcohol violators--Information school--Evaluation and treatment.

(1) A person subject to alcohol assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

[1995 c 332 § 14; 1994 c 275 § 9.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.61.50571 Alcohol violators--Mandatory appearances.

(1) A defendant who is charged with an offense involving driving while under the influence as defined in RCW 46.61.502, driving under age twenty-one after consuming alcohol

as defined in RCW 46.61.503, or being in physical control of a vehicle while under the influence as defined in RCW 46.61.504, shall be required to appear in person before a judicial officer within one judicial day after the arrest if the defendant is served with a citation or complaint at the time of the arrest. A court may by local court rule waive the requirement for appearance within one judicial day if it provides for the appearance at the earliest practicable day following arrest and establishes the method for identifying that day in the rule.

(2) A defendant who is charged with an offense involving driving while under the influence as defined in RCW 46.61.502, driving under age twenty-one after consuming alcohol as defined in RCW 46.61.503, or being in physical control of a vehicle while under the influence as defined in RCW 46.61.504, and who is not served with a citation or complaint at the time of the incident, shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of an appearance required by this section, the court shall determine the necessity of imposing conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment.

(4) Appearances required by this section are mandatory and may not be waived.

[2000 c 52 § 1; 1999 c 114 § 1; 1998 c 214 § 5.]

Notes:

Effective date--1998 c 214: See note following RCW 46.61.5055.

RCW 46.61.5058 Alcohol violators--Vehicle seizure and forfeiture.

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.61.502 or 46.61.504 or any similar municipal ordinance, if such person has a prior offense within seven years as defined in RCW 46.61.5055, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual

notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On conviction for a violation of either RCW 46.61.502 or 46.61.504 or any similar municipal ordinance where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, is subject to seizure and forfeiture pursuant to this section.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under

Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under Title 46 RCW or is lawfully entitled to possession of the vehicle.

(7) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1)(a) or (c) of this section.

(8) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(9) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(12) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

[1998 c 207 § 2; 1995 c 332 § 6; 1994 c 139 § 1.]

Notes:

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

RCW 46.61.506 Persons under influence of intoxicating liquor or drug--Evidence--Tests--Information concerning tests.

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

[1998 c 213 § 6; 1995 c 332 § 18; 1994 c 275 § 26; 1987 c 373 § 4; 1986 c 153 § 4; 1979 ex.s. c 176 § 5; 1975 1st ex.s. c 287 § 1; 1969 c 1 § 3 (Initiative Measure No. 242, approved November 5, 1968).]

Notes:

Rules of court: *Evidence of Breathalyzer, BAC Verifier, simulator solution tests--CrRLJ 6.13.*

Effective date--1998 c 213: See note following RCW 46.20.308.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding, purpose--Severability--1987 c 373: See notes following RCW 46.61.502.

Severability--1979 ex.s. c 176: See note following RCW 46.61.502.

Severability, implied consent law--1969 c 1: See RCW 46.20.911.

Arrest of driver under influence of intoxicating liquor or drugs: RCW 10.31.100.

RCW 46.61.508 Liability of medical personnel withdrawing blood.

No physician, registered nurse, qualified technician, or hospital, or duly licensed clinical laboratory employing or utilizing services of such physician, registered nurse, or qualified technician, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of RCW 46.20.308, as now or hereafter amended: PROVIDED, That nothing in this section shall relieve any physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

[1977 ex.s. c 143 § 1.]

RCW 46.61.513 Criminal history and driving record.

(1) Immediately before the court defers prosecution under RCW 10.05.020, dismisses a charge, or orders a sentence for any offense listed in subsection (2) of this section, the court and prosecutor shall verify the defendant's criminal history and driving record. The order shall include specific findings as to the criminal history and driving record. For purposes of this section, the criminal history shall include all previous convictions and orders of deferred prosecution, as reported through the judicial information system or otherwise available to the court or prosecutor, current to within the period specified in subsection (3) of this section before the date of the order. For purposes of this section, the driving record shall include all information reported to the court by the department of licensing.

(2) The offenses to which this section applies are violations of: (a) RCW 46.61.502 or an equivalent local ordinance; (b) RCW 46.61.504 or an equivalent local ordinance; (c) RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug; (d) RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug; and (e) RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522.

(3) The periods applicable to previous convictions and orders of deferred prosecution are: (a) One working day, in the case of previous actions of courts that fully participate in the state judicial information system; and (b) seven calendar days, in the case of previous actions of courts that do not fully participate in the judicial information system. For purposes of this subsection, "fully participate" means regularly providing records to and receiving records from the system by electronic means on a daily basis.

[1998 c 211 § 5.]

Notes:

Effective date--1998 c 211: See note following RCW 46.61.5055.

RCW 46.61.5151 Sentences--Intermittent fulfillment--Restrictions.

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in RCW 46.61.5055 in nonconsecutive or intermittent time periods. However, any mandatory minimum sentence under RCW 46.61.5055 shall be served consecutively unless suspended or deferred as otherwise provided by law.

[1995 c 332 § 15; 1994 c 275 § 39; 1983 c 165 § 33.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.61.5152 Attendance at program focusing on victims.

In addition to penalties that may be imposed under RCW 46.61.5055, the court may require a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or who enters a deferred prosecution program under RCW 10.05.020 based on a violation of RCW 46.61.502 or 46.61.504, to attend an educational program focusing on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

[1998 c 41 § 9; 1994 c 275 § 40; 1992 c 64 § 1.]

Notes:

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.61.516 Qualified probation department defined.

A qualified probation department means a probation department for a district or municipal court that has a sufficient number of qualified alcohol assessment officers who meet the requirements of a qualified alcoholism counselor as provided by rule of the department of social and health services, except that the required hours of supervised work experience in an alcoholism agency may be satisfied by completing an equivalent number of hours of supervised work doing alcohol assessments within a probation department.

[1983 c 150 § 2.]

RCW 46.61.517 Refusal of test--Admissibility as evidence.

The refusal of a person to submit to a test of the alcohol or drug concentration in the person's blood or breath under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial.

[2001 c 142 § 1; 1987 c 373 § 5; 1986 c 64 § 2; 1985 c 352 § 21; 1983 c 165 § 27.]

NOTES:

Legislative finding, purpose--Severability--1987 c 373: See notes following RCW 46.61.502.

Severability--1985 c 352: See note following RCW 10.05.010.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.61.519 Alcoholic beverages--Drinking or open container in vehicle on highway--Exceptions.

(1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 or local law, to any passenger for compensation in a for-hire vehicle licensed under city, county, or state law, or to a privately-owned vehicle operated by a person possessing a valid operator's license endorsed for the appropriate classification under chapter 46.25 RCW in the course of his usual employment transporting passengers at the employer's direction: PROVIDED, That nothing in this subsection shall be construed to authorize possession or consumption of an alcoholic beverage by the operator of any vehicle while upon a highway.

[1989 c 178 § 26; 1984 c 274 § 1; 1983 c 165 § 28.]

Notes:

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

Ignition interlocks, biological, technical devices: RCW 46.20.710 through 46.20.750.

RCW 46.61.5191 Local ordinances not prohibited.

Nothing in RCW 46.61.519 or RCW 46.61.5191 prohibits any city or town from enacting a local ordinance that proscribes the acts proscribed by those sections and that provides penalties equal to or greater than the penalties provided in those sections.

[1984 c 274 § 2.]

RCW 46.61.5195 Disguising alcoholic beverage container.

(1) It is a traffic infraction to incorrectly label the original container of an alcoholic beverage and to then violate RCW 46.61.519.

(2) It is a traffic infraction to place an alcoholic beverage in a container specifically labeled by the manufacturer of the container as containing a nonalcoholic beverage and to then violate RCW 46.61.519.

[1984 c 274 § 3.]

Notes:

Ignition interlocks, biological, technical devices: RCW 46.20.710 through 46.20.750.

RCW 46.61.520 Vehicular homicide--Penalty.

(1) When the death of any person ensues within three years as a proximate result of injury proximately caused by the driving of any vehicle by any person, the driver is guilty of vehicular homicide if the driver was operating a motor vehicle:

(a) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502; or

(b) In a reckless manner; or

(c) With disregard for the safety of others.

(2) Vehicular homicide is a class A felony punishable under chapter 9A.20 RCW, except that, for a conviction under subsection (1)(a) of this section, an additional two years shall be added to the sentence for each prior offense as defined in RCW 46.61.5055.

[1998 c 211 § 2; 1996 c 199 § 7; 1991 c 348 § 1; 1983 c 164 § 1; 1975 1st ex.s. c 287 § 3; 1973 2nd ex.s. c 38 § 2; 1970 ex.s. c 49 § 5; 1965 ex.s. c 155 § 63; 1961 c 12 § 46.56.040. Prior: 1937 c 189 § 120; RRS § 6360-120. Formerly RCW 46.56.040.]

NOTES:

Effective date--1998 c 211: See note following RCW 46.61.5055.

Severability--1996 c 199: See note following RCW 9.94A.505.

Effective date--1991 c 348: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 348 § 5.]

Severability--1973 2nd ex.s. c 38: See note following RCW 69.50.101.

Severability--1970 ex.s. c 49: See note following RCW 9.69.100.

Criminal history and driving record: RCW 46.61.513.

Ignition interlocks, biological, technical devices: RCW 46.20.710 through 46.20.750.

Suspension or revocation of license upon conviction of vehicular homicide or assault: RCW 46.20.285, 46.20.291.

RCW 46.61.522 Vehicular assault--Penalty.

(1) A person is guilty of vehicular assault if he or she operates or drives any vehicle:

(a) In a reckless manner and causes substantial bodily harm to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, and causes substantial bodily harm to another; or

(c) With disregard for the safety of others and causes substantial bodily harm to another.

(2) Vehicular assault is a class B felony punishable under chapter 9A.20 RCW.

(3) As used in this section, "substantial bodily harm" has the same meaning as in RCW 9A.04.110.

[2001 c 300 § 1; 1996 c 199 § 8; 1983 c 164 § 2.]

NOTES:

Severability--1996 c 199: See note following RCW 9.94A.505.

Criminal history and driving record: RCW 46.61.513.

Ignition interlocks, biological, technical devices: RCW 46.20.710 through 46.20.750.

RCW 46.61.524 Vehicular homicide, assault--Evaluation, treatment of drug or alcohol problem.

(1) A person convicted under RCW 46.61.520(1)(a) or 46.61.522(1)(b) shall, as a condition of community custody imposed under *RCW 9.94A.545 or community placement imposed under RCW 9.94A.660, complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, as defined under RCW 46.61.516 that has been approved by the department of social and health services. This report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem that requires treatment, the person shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the person is found not to have an alcohol or drug problem that requires treatment, he or she shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The convicted person shall pay all costs for any evaluation, education, or treatment required by this section, unless the person is eligible for an existing program offered or approved by the department of social and health services. Nothing in chapter 348, Laws of 1991 requires the addition of new treatment or assessment facilities nor affects the department of social and health services use of existing programs and facilities authorized by law.

(2) As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated alcoholism treatment facility or probation department, and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

[2001 c 64 § 7; 2000 c 28 § 40; 1991 c 348 § 2.]

NOTES:

***Reviser's note:** This RCW reference has been corrected to reflect the reorganization of chapter 9.94A RCW by 2001 c 10 § 6.

Technical correction bill--2000 c 28: See note following RCW 9.94A.015.

Headings and captions not law--Effective date--Severability--2000 c 28: See RCW 9.94A.920, 9.94A.921, and 9.94A.922.

Effective date--1991 c 348: See note following RCW 46.61.520.

RCW 46.61.5249 Negligent driving--First degree.

(1)(a) A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed liquor or an illegal drug.

(b) It is an affirmative defense to negligent driving in the first degree by means of exhibiting the effects of having consumed an illegal drug that must be proved by the defendant by a preponderance of the evidence, that the driver has a valid prescription for the drug consumed, and has been consuming it according to the prescription directions and warnings.

(c) Negligent driving in the first degree is a misdemeanor.

(2) For the purposes of this section:

(a) "Negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(b) "Exhibiting the effects of having consumed liquor" means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:

(i) Is in possession of or in close proximity to a container that has or recently had liquor in it; or

(ii) Is shown by other evidence to have recently consumed liquor.

(c) "Exhibiting the effects of having consumed an illegal drug" means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug and either:

(i) Is in possession of an illegal drug; or

(ii) Is shown by other evidence to have recently consumed an illegal drug.

(d) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.

(3) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

[1997 c 66 § 4.]

Notes:

Criminal history and driving record: RCW 46.61.513.

RCW 46.61.525 Negligent driving--Second degree.

(1)(a) A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a

manner that is both negligent and endangers or is likely to endanger any person or property.

(b) It is an affirmative defense to negligent driving in the second degree that must be proved by the defendant by a preponderance of the evidence, that the driver was operating the motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent.

(c) Negligent driving in the second degree is a traffic infraction and is subject to a penalty of two hundred fifty dollars.

(2) For the purposes of this section, "negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(3) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

[1997 c 66 § 5; 1996 c 307 § 1; 1979 ex.s. c 136 § 86; 1967 c 32 § 69; 1961 c 12 § 46.56.030. Prior: 1939 c 154 § 1; RRS § 6360-118 1/2. Formerly RCW 46.56.030.]

Notes:

Rules of court: *Negligent driving cases--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Arrest of person involved in negligent driving: RCW 10.31.100.

Use of vessel in reckless manner or while under influence of alcohol or drugs prohibited: RCW 79A.60.040.

RCW 46.61.527 Roadway construction zones.

(1) The secretary of transportation shall adopt standards and specifications for the use of traffic control devices in roadway construction zones on state highways. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public employees or private contractors, on or adjacent to any public roadway.

(2) No person may drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices.

(3) A person found to have committed any infraction relating to speed restrictions in a roadway construction zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the license or permit to drive or a nonresident driving privilege of a person convicted of reckless endangerment of roadway workers.

[1994 c 141 § 1.]

Notes:

Effective date--1994 c 141: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1994]." [1994 c 141 § 3.]

RCW 46.61.530 Racing of vehicles on highways--Reckless driving--Exception.

No person or persons may race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons who wilfully compare or contest relative speeds by operation of one or more motor vehicles shall be guilty of racing, which shall constitute reckless driving under RCW 46.61.500, whether or not such speed is in excess of the maximum speed prescribed by law: PROVIDED HOWEVER, That any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing.

[1979 ex.s. c 136 § 87; 1961 c 12 § 46.48.050. Prior: 1937 c 189 § 67; RRS § 6360-67; 1921 c 96 § 32; 1915 c 142 § 25; RRS § 6344. Formerly RCW 46.48.050.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.
Arrest of person involved in racing of vehicles: RCW 10.31.100.

RCW 46.61.535 Advertising of unlawful speed--Reckless driving.

It shall be unlawful for any manufacturer, dealer, distributor, or any person, firm, or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. Violation of any of the provisions of this section shall be prima facie evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided.

[1979 ex.s. c 136 § 88; 1961 c 12 § 46.48.060. Prior: 1937 c 189 § 68; RRS § 6360-68. Formerly RCW 46.48.060.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.540 "Drugs," what included.

The word "drugs", as used in RCW 46.61.500 through 46.61.535, shall include but not be limited to those drugs and substances regulated by chapters 69.41 and 69.50 RCW.

[1975 1st ex.s. c 287 § 5.]

STOPPING, STANDING, AND PARKING

RCW 46.61.560 Stopping, standing, or parking outside business or residence districts.

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030 [36.58.040].

[1991 c 319 § 408; 1984 c 7 § 72; 1979 ex.s. c 178 § 20; 1977 c 24 § 2; 1965 ex.s. c 155 § 64.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--Part headings not law--1991 c 319: See RCW 70.95F.900 and 70.95F.901.

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1979 ex.s. c 178: See note following RCW 46.61.590.

Limited access highways: RCW 47.52.120.

Unattended motor vehicles: RCW 46.61.600.

RCW 46.61.570 Stopping, standing, or parking prohibited in specified places--Reserving portion of highway prohibited.

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb

immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the secretary of transportation upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

[1977 ex.s. c 151 § 40; 1975 c 62 § 35; 1965 ex.s. c 155 § 66.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Severability--1975 c 62: See note following RCW 36.75.010.

Limited access highways: RCW 47.52.120.

RCW 46.61.575 Additional parking regulations.

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The secretary with respect to highways under his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

[1977 ex.s. c 151 § 41; 1975 c 62 § 36; 1965 ex.s. c 155 § 67.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.577 Regulations governing parking facilities.

The secretary of transportation may adopt regulations governing the use and control of park and ride lots and other parking facilities operated by the department of transportation, including time limits for the parking of vehicles.

[1981 c 185 § 1.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.581 Disabled persons' parking spaces--Indication, access--Failure, penalty.

A parking space or stall for a disabled person shall be indicated by a vertical sign, between thirty-six and eighty-four inches off the ground, with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120 and the notice

"State disabled parking permit required."

Failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a class 2 civil infraction under chapter 7.80 RCW for each parking space that should be so designated. The person owning or controlling the property where the required parking spaces are located shall ensure that the parking spaces are not blocked or made inaccessible, and failure to do so is a class 2 civil infraction.

[1998 c 294 § 2; 1988 c 74 § 1; 1984 c 154 § 4.]

Notes:

Intent--Application--Severability--1984 c 154: See notes following RCW 46.16.381.
Accessible parking spaces required: RCW 70.92.140.
Disabled persons, special parking--Unauthorized use: RCW 46.16.381.

RCW 46.61.582 Free parking by disabled persons.

Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special placard or license plate under RCW 46.16.381 to be eligible for the privileges under this section.

[1991 c 339 § 25; 1984 c 154 § 5.]

Notes:

Intent--Application--Severability--1984 c 154: See notes following RCW 46.16.381.

RCW 46.61.583 Special plate or card issued by another jurisdiction.

A special license plate or card issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to the same overtime parking privileges granted under this chapter to a vehicle with a similar special license plate or card issued by this state.

[1991 c 339 § 26; 1984 c 51 § 2.]

RCW 46.61.585 Winter recreational parking areas--Special permit required.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall park a vehicle in an area designated by an official sign that it is a winter recreational parking area unless such vehicle displays, in accordance with regulations adopted by the parks and recreation commission, a special winter recreational area parking permit or permits.

[1990 c 49 § 4; 1975 1st ex.s. c 209 § 5.]

Notes:

Severability--1975 1st ex.s. c 209: See note following RCW 79A.05.225.
Winter recreational parking areas: RCW 79A.05.225 through 79A.05.255.

RCW 46.61.587 Winter recreational parking areas--Penalty.

Any violation of RCW 79A.05.240 or 46.61.585 or any rule adopted by the parks and recreation commission to enforce the provisions thereof is a civil infraction as provided in chapter 7.84 RCW.

[1999 c 249 § 501; 1984 c 258 § 329; 1977 c 57 § 1; 1975 1st ex.s. c 209 § 6.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1999 c 249: See note following RCW 79A.05.010.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Severability--1975 1st ex.s. c 209: See note following RCW 79A.05.225.

RCW 46.61.590 Unattended motor vehicle--Removal from highway.

It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of any highway unless the operator of the vehicle arranges for the prompt removal of the vehicle.

[1979 ex.s. c 178 § 1.]

Notes:

Severability--1979 ex.s. c 178: "If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 178 § 23.]

Towing and impoundment: Chapter 46.55 RCW.

MISCELLANEOUS RULES

RCW 46.61.600 Unattended motor vehicle.

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(2) The most recent driver of a motor vehicle which the driver has left standing unattended, who learns that the vehicle has become set in motion and has struck another vehicle or property, or has caused injury to any person, shall comply with the requirements of:

(a) RCW 46.52.010 if his vehicle strikes an unattended vehicle or property adjacent to a

public highway; or

(b) RCW 46.52.020 if his vehicle causes damage to an attended vehicle or other property or injury to any person.

(3) Any person failing to comply with subsection (2)(b) of this section shall be subject to the sanctions set forth in RCW 46.52.020.

[1980 c 97 § 2; 1965 ex.s. c 155 § 68.]

Notes:

Effective date--1980 c 97: See note following RCW 46.52.020.

RCW 46.61.605 Limitations on backing.

(1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access highway.

[1965 ex.s. c 155 § 69.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.606 Driving on sidewalk prohibited--Exception.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

[1975 c 62 § 45.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.608 Operating motorcycles on roadways laned for traffic.

(1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

[1975 c 62 § 46.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.610 Riding on motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator: PROVIDED, HOWEVER, That the motorcycle must contain foot pegs, of a type approved by the *equipment commission, for each person such motorcycle is designed to carry.

[1975 c 62 § 37; 1967 c 232 § 5; 1965 ex.s. c 155 § 70.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

***Reviser's note:** The duties of the commission on equipment were transferred to the state patrol by 1987 c 330 (see RCW 46.37.005).

Severability--1975 c 62: See note following RCW 36.75.010.

Equipment regulations for motorcycles, motor-driven cycles, mopeds, or electric-assisted bicycles: RCW 46.37.530, 46.37.535.

Mopeds: RCW 46.16.630, 46.61.710, 46.61.720.

RCW 46.61.611 Motorcycles--Maximum height for handlebars.

No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than thirty inches higher than the seat or saddle for the operator.

[1999 c 275 § 1; 1967 c 232 § 6.]

NOTES:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.612 Riding on motorcycles--Position of feet.

No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle.

[1967 c 232 § 7.]

NOTES:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.613 Motorcycles--Temporary suspension of restrictions for parades or public demonstrations.

The provisions of RCW 46.37.530 and 46.61.610 through 46.61.612 may be temporarily suspended by the chief of the Washington state patrol, or his designee, with respect to the operation of motorcycles within their respective jurisdictions in connection with a parade or

public demonstration.

[1967 c 232 § 8.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.614 Riding on motorcycles--Clinging to other vehicles.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

[1975 c 62 § 47.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.615 Obstructions to driver's view or driving mechanism.

(1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

[1965 ex.s. c 155 § 71.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.620 Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle adjacent to moving traffic for a period of time longer than necessary to load or unload passengers.

[1965 ex.s. c 155 § 72.]

RCW 46.61.625 Riding in trailers or towed vehicles.

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010.

[1999 c 398 § 9; 1995 c 360 § 10; 1965 ex.s. c 155 § 73.]

RCW 46.61.630 Coasting prohibited.

(1) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

[1965 ex.s. c 155 § 74.]

RCW 46.61.635 Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to a fire alarm.

[1975 c 62 § 38; 1965 ex.s. c 155 § 75.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.640 Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

[1965 ex.s. c 155 § 76.]

RCW 46.61.645 Throwing dangerous materials on highway prohibited--Removal.

(1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

[1965 ex.s. c 155 § 77.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Lighted material, disposal of: RCW 76.04.455.

Littering: Chapter 70.93 RCW.

RCW 46.61.655 Dropping load, other materials--Covering.

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

[1990 c 250 § 56; 1986 c 89 § 1; 1971 ex.s. c 307 § 22; 1965 ex.s. c 52 § 1; 1961 c 12 § 46.56.135. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.56.135.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1971 ex.s. c 307: See RCW 70.93.900.

Littering: Chapter 70.93 RCW.

Transporting waste to landfills: RCW 70.93.097.

RCW 46.61.660 Carrying persons or animals on outside part of vehicle.

It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be

provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles or to solid waste collection vehicles that are engaged in collecting solid waste or recyclables on route at speeds of twenty miles per hour or less.

[1997 c 190 § 1; 1961 c 12 § 46.56.070. Prior: 1937 c 189 § 115; RRS § 6360-115. Formerly RCW 46.56.070.]

RCW 46.61.665 Embracing another while driving.

It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Operation of a motor vehicle in violation of this section is prima facie evidence of reckless driving.

[1979 ex.s. c 136 § 89; 1961 c 12 § 46.56.100. Prior: 1937 c 189 § 117; RRS § 6360-117; 1927 c 309 § 49; RRS § 6362-49. Formerly RCW 46.56.100.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.670 Driving with wheels off roadway.

It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except as permitted by RCW 46.61.428 or for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof.

[1977 ex.s. c 39 § 2; 1961 c 12 § 46.56.130. Prior: 1937 c 189 § 96; RRS § 6360-96. Formerly RCW 46.56.130.]

RCW 46.61.675 Causing or permitting vehicle to be unlawfully operated.

It shall be unlawful for the owner, or any other person, in employing or otherwise directing the operator of any vehicle to require or knowingly to permit the operation of such vehicle upon any public highway in any manner contrary to the law.

[1961 c 12 § 46.56.200. Prior: 1937 c 189 § 148; RRS § 6360-148. Formerly RCW 46.56.200.]

RCW 46.61.680 Lowering passenger vehicle below legal clearance--Penalty.

It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

Violation of the provisions of this section is a traffic infraction.

[1979 ex.s. c 136 § 90; 1961 c 151 § 1. Formerly RCW 46.56.220.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.685 Leaving children unattended in standing vehicle with motor running--Penalty.

It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended in the vehicle.

Any person violating the provisions of this section is guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of this section, the department shall revoke the operator's license of such person.

[1990 c 250 § 57; 1961 c 151 § 2. Formerly RCW 46.56.230.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Severability--1990 c 250: See note following RCW 46.16.301.

Leaving children unattended in parked automobile while entering tavern, etc.: RCW 9.91.060.

RCW 46.61.687 Child passenger restraint required--Conditions--Exceptions--Penalty for violation--Dismissal--Noncompliance not negligence. (Effective until July 1, 2002.)

(1) Whenever a child who is less than ten years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than three years of age, the child shall be properly restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than ten but at least three years of age, the child shall be restrained either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body.

(2) A person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, and (c) vehicles providing customer shuttle service

between parking, convention, and hotel facilities, and airport terminals.

[1994 c 100 § 1; 1993 c 274 § 1; 1987 c 330 § 745; 1983 c 215 § 2.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1983 c 215: See note following RCW 46.37.505.

Standards for child passenger restraint systems: RCW 46.37.505.

RCW 46.61.687 Child passenger restraint required--Conditions--Exceptions--Penalty for violation--Dismissal--Noncompliance not negligence. (Effective July 1, 2002.)

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than six years old and/or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;

(d) If the child is less than six but at least four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained in a child booster seat;

(e) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

(6) The requirements of subsection (1)(a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

[2000 c 190 § 2; 1994 c 100 § 1; 1993 c 274 § 1; 1987 c 330 § 745; 1983 c 215 § 2.]

Notes:

Intent--2000 c 190: "The legislature recognizes that fewer than five percent of all drivers use child booster seats for children over the age of four years. The legislature also recognizes that seventy-one percent of deaths resulting from car accidents could be eliminated if every child under the age of sixteen used an appropriate child safety seat, booster seat, or seat belt. The legislature further recognizes the National Transportation Safety Board's recommendations that promote the use of booster seats to increase the safety of children under eight years of age. Therefore, it is the legislature's intent to decrease deaths and injuries to children by promoting safety education and injury prevention measures, as well as increasing public awareness on ways to maximize the protection of children in vehicles." [2000 c 190 § 1.]

Short title--2000 c 190: "This act may be known and cited as the Anton Skeen Act." [2000 c 190 § 5.]

Effective date--2000 c 190: "This act takes effect July 1, 2002." [2000 c 190 § 6.]

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1983 c 215: See note following RCW 46.37.505.

Standards for child passenger restraint systems: RCW 46.37.505.

RCW 46.61.688 Safety belts, use required--Penalties--Exemptions. (Effective until July 1, 2002.)

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis

or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

[1990 c 250 § 58; 1986 c 152 § 1.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Study of effectiveness--1986 c 152: "The traffic safety commission shall undertake a study of the effectiveness of section 1 of this act and shall report its finding to the legislative transportation committee by January 1, 1989." [1986 c 152 § 3.]

Physicians--Immunity from liability regarding safety belts: RCW 4.24.235.

Seat belts and shoulder harnesses, required equipment: RCW 46.37.510.

RCW 46.61.688 Safety belts, use required--Penalties--Exemptions. (Effective July 1, 2002.)

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Except for subsection (4)(b) of this section, which must be enforced as a primary action, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

[2000 c 190 § 3; 1990 c 250 § 58; 1986 c 152 § 1.]

Notes:

Intent--Short title--Effective date--2000 c 190: See notes following RCW 46.61.687.

Severability--1990 c 250: See note following RCW 46.16.301.

Study of effectiveness--1986 c 152: "The traffic safety commission shall undertake a study of the

effectiveness of section 1 of this act and shall report its finding to the legislative transportation committee by January 1, 1989." [1986 c 152 § 3.]

Physicians--Immunity from liability regarding safety belts: RCW 4.24.235.

Seat belts and shoulder harnesses, required equipment: RCW 46.37.510.

RCW 46.61.6885 Child restraints, seatbelts--Educational campaign. (Effective July 1, 2002.)

The traffic safety commission shall conduct an educational campaign using all available methods to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists. The traffic safety commission shall report to the transportation committees of the legislature on the campaign and results observed on the highways. The first report is due December 1, 2000, and annually thereafter.

[2000 c 190 § 4.]

Notes:

Intent--Short title--Effective date--2000 c 190: See notes following RCW 46.61.687.

RCW 46.61.690 Violations relating to toll facilities.

Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:

(1) Such person refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious or counterfeit tickets, coupons, or tokens for payment of any such tolls, or

(2) Such person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) Such person refuses to move a vehicle through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

[1983 c 247 § 1; 1979 ex.s. c 136 § 91; 1961 c 259 § 1. Formerly RCW 46.56.240.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1961 c 259: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 259 § 2.]

RCW 46.61.700 Parent or guardian shall not authorize or permit violation by a child or ward.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

[1965 ex.s. c 155 § 78.]

Notes:

Reviser's note: This section was enacted just before sections about the operation of bicycles and play vehicles and was accordingly so codified in 1965. Other sections enacted later have been codified under the numbers remaining between RCW 46.61.700 and 46.61.750. The section appears in the Uniform Vehicle Code (1962) as part of the first section of Article XII--Operation of Bicycles and Play Vehicles.

Captions used herein, not part of the law: RCW 46.61.990.

Unlawful to allow unauthorized child or ward to drive: RCW 46.20.024.

RCW 46.61.710 Mopeds, electric-assisted bicycles--General requirements and operation.

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of RCW 46.16.630.

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped or an electric-assisted bicycle on a fully controlled limited access highway or on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles. Electric-assisted bicycles may have access to highways of the state to the same extent as bicycles. Electric-assisted bicycles may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles.

[1997 c 328 § 5; 1979 ex.s. c 213 § 8.]

RCW 46.61.720 Mopeds--Safety standards.

Mopeds shall comply with those federal motor vehicle safety standards established under the national traffic vehicle safety act of 1966 (15 U.S.C. Sec. 1381, et. seq.) which are applicable to a motor-driven cycle, as that term is defined in such federal standards.

[1979 ex.s. c 213 § 9.]

Notes:

Mopeds

drivers' licenses, motorcycle endorsement, moped exemption: RCW 46.20.500.

registration: RCW 46.16.630.

RCW 46.61.730 Wheelchair conveyances.

(1) No person may operate a wheelchair conveyance on any public roadway with a posted speed limit in excess of thirty-five miles per hour.

(2) No person other than a wheelchair-bound person may operate a wheelchair conveyance on a public roadway.

(3) Every wheelchair-bound person operating a wheelchair conveyance upon a roadway is granted all the rights and is subject to all the duties applicable to the driver of a vehicle by this chapter, except those provisions that by their nature can have no application.

(4) A violation of this section is a traffic infraction.

[1983 c 200 § 5.]

Notes:

Severability--1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definitions: RCW 46.04.710.

licensing: RCW 46.16.640.

operator's license: RCW 46.20.109.

safety standards: RCW 46.37.610.

RCW 46.61.740 Theft of motor vehicle fuel.

(1) Any person who refuses to pay or evades payment for motor vehicle fuel that is pumped into a motor vehicle is guilty of theft of motor vehicle fuel. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) The court shall order the department to suspend the person's license, permit, or nonresident privilege to drive for a period specified by the court of up to six months.

[2001 c 325 § 1.]

OPERATION OF NONMOTORIZED VEHICLES

RCW 46.61.750 Effect of regulations--Penalty.

(1) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780.

(2) These regulations applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any bicycle path, subject to those exceptions stated herein.

[1982 c 55 § 6; 1979 ex.s. c 136 § 92; 1965 ex.s. c 155 § 79.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Bicycle awareness program: RCW 43.43.390.

"Bicycle" defined: RCW 46.04.071.

RCW 46.61.755 Traffic laws apply to persons riding bicycles.

(1) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in RCW 46.61.750 through 46.61.780 and except as to those provisions of this chapter which by their nature can have no application.

(2) Every person riding a bicycle upon a sidewalk or crosswalk must be granted all of the rights and is subject to all of the duties applicable to a pedestrian by this chapter.

[2000 c 85 § 3; 1965 ex.s. c 155 § 80.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.758 Hand signals.

All hand signals required of persons operating bicycles shall be given in the following manner:

- (1) Left turn. Left hand and arm extended horizontally beyond the side of the bicycle;
- (2) Right turn. Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;
- (3) Stop or decrease speed. Left hand and arm extended downward beyond the side of the bicycle.

The hand signals required by this section shall be given before initiation of a turn.

[1982 c 55 § 8.]

RCW 46.61.760 Riding on bicycles.

(1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

[1965 ex.s. c 155 § 81.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.765 Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

[1965 ex.s. c 155 § 82.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.770 Riding on roadways and bicycle paths.

(1) Every person operating a bicycle upon a roadway at a rate of speed less than the normal flow of traffic at the particular time and place shall ride as near to the right side of the right through lane as is safe except as may be appropriate while preparing to make or while making turning movements, or while overtaking and passing another bicycle or vehicle proceeding in the same direction. A person operating a bicycle upon a roadway or highway other than a limited-access highway, which roadway or highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near to the left side of the left through lane as is safe. A person operating a bicycle upon a roadway may use the shoulder of the roadway or any specially designated bicycle lane if such exists.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

[1982 c 55 § 7; 1974 ex.s. c 141 § 14; 1965 ex.s. c 155 § 83.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Use of bicycles on limited-access highways: RCW 46.61.160.

RCW 46.61.775 Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

[1965 ex.s. c 155 § 84.]

Notes:

Rules of court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.780 Lamps and other equipment on bicycles.

(1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state patrol which shall be visible from all distances up to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. A light-emitting diode flashing taillight visible from a distance of five hundred feet to the rear may also be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

[1998 c 165 § 17; 1987 c 330 § 746; 1975 c 62 § 39; 1965 ex.s. c 155 § 85.]

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Short title--1998 c 165: See note following RCW 43.59.010.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.790 Intoxicated bicyclists.

(1) A law enforcement officer may offer to transport a bicycle rider who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the bicycle rider is to be taken into protective custody under RCW 70.96A.120. The law enforcement officer offering to transport an intoxicated bicycle rider under this section shall:

- (a) Transport the intoxicated bicycle rider to a safe place; or
- (b) Release the intoxicated bicycle rider to a competent person.

(2) The law enforcement officer shall not provide the assistance offered if the bicycle rider refuses to accept it. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the state of Washington, or any political subdivision of the state for any act resulting from the refusal of the bicycle rider to accept this assistance.

(3) The law enforcement officer may impound the bicycle operated by an intoxicated bicycle rider if the officer determines that impoundment is necessary to reduce a threat to public safety, and there are no reasonable alternatives to impoundment. The bicyclist will be given a written notice of when and where the impounded bicycle may be reclaimed. The bicycle may be reclaimed by the bicycle rider when the bicycle rider no longer appears to be intoxicated, or by an individual who can establish ownership of the bicycle. The bicycle must be returned without payment of a fee. If the bicycle is not reclaimed within thirty days, it will be subject to sale or disposal consistent with agency procedures.

[2000 c 85 § 4.]

RCW 46.61.990 Recodification of sections--Organization of chapter--Construction.

Sections 1 through 52 and 54 through 86 of chapter 155, Laws of 1965 ex. sess. are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 54, 55, and 63 as herein amended and RCW 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025, 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080, 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030, 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200, 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270, 46.60.330, and 46.60.340 shall be recodified as and be a part of said chapter. The sections of the new chapter shall be organized under the following captions: "OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS",

"TRAFFIC SIGNS, SIGNALS AND MARKINGS", "DRIVING ON RIGHT SIDE OF ROADWAY--OVERTAKING AND PASSING--USE OF ROADWAY", "RIGHT OF WAY", "PEDESTRIANS' RIGHTS AND DUTIES", "TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING", "SPECIAL STOPS REQUIRED", "SPEED RESTRICTIONS", "RECKLESS DRIVING, DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, AND NEGLIGENT HOMICIDE BY VEHICLE", "STOPPING, STANDING AND PARKING", "MISCELLANEOUS RULES", and "OPERATION OF NONMOTORIZED VEHICLES". Such captions shall not constitute any part of the law.

[1991 c 290 § 5; 1991 c 214 § 3; 1965 ex.s. c 155 § 92.]

Notes:

Reviser's note: This section was amended by 1991 c 214 § 3 and by 1991 c 290 § 5, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 46.61.991 Severability--1965 ex.s. c 155.

If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1965 ex.s. c 155 § 93.]

Chapter 46.63 RCW DISPOSITION OF TRAFFIC INFRACTIONS

Sections

| | |
|-----------|--|
| 46.63.010 | Legislative intent. |
| 46.63.020 | Violations as traffic infractions--Exceptions. |
| 46.63.030 | Notice of traffic infraction--Issuance--Abandoned vehicles. |
| 46.63.040 | Jurisdiction of courts--Jurisdiction of college and university governing bodies. |
| 46.63.050 | Training of judicial officers. |
| 46.63.060 | Notice of traffic infraction--Determination final unless contested--Form. |
| 46.63.070 | Response to notice--Contesting determination--Hearing--Failure to respond or appear. |
| 46.63.080 | Hearings--Rules of procedure--Counsel. |
| 46.63.090 | Hearings--Contesting determination that infraction committed--Appeal. |
| 46.63.100 | Hearings--Explanation of mitigating circumstances. |
| 46.63.110 | Monetary penalties. |
| 46.63.120 | Order of court--Civil nature--Waiver, reduction, suspension of penalty--Community service. |
| 46.63.130 | Issue of process by court of limited jurisdiction. |
| 46.63.140 | Presumption regarding stopped, standing, or parked vehicles. |
| 46.63.151 | Costs and attorney fees. |

Notes:

Traffic and civil infraction cases involving juveniles under age sixteen: RCW 13.40.250.

RCW 46.63.010 Legislative intent.

It is the legislative intent in the adoption of this chapter in decriminalizing certain traffic offenses to promote the public safety and welfare on public highways and to facilitate the implementation of a uniform and expeditious system for the disposition of traffic infractions.

[1979 ex.s. c 136 § 1.]

Notes:

Effective date--1979 ex.s. c 136: "The provisions of chapter 136, Laws of 1979 ex. sess. and this 1980 act shall take effect on January 1, 1981, and shall apply to violations of the traffic laws committed on or after January 1, 1981." [1980 c 128 § 9; 1979 ex.s. c 136 § 111.]

Severability--1979 ex.s. c 136: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 136 § 110.]

RCW 46.63.020 Violations as traffic infractions--Exceptions.

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.005 relating to driving without a valid driver's license;
- (11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;
- (12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

- (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;
- (17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (18) RCW 46.25.170 relating to commercial driver's licenses;
- (19) Chapter 46.29 RCW relating to financial responsibility;
- (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (22) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (23) RCW 46.48.175 relating to the transportation of dangerous articles;
- (24) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (25) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (26) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (27) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (28) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (29) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (30) RCW 46.61.015 relating to obedience to police officers, flaggers, or fire fighters;
- (31) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (32) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (33) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (34) RCW 46.61.500 relating to reckless driving;
- (35) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (36) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- (37) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (38) RCW 46.61.522 relating to vehicular assault;
- (39) RCW 46.61.5249 relating to first degree negligent driving;
- (40) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (41) RCW 46.61.530 relating to racing of vehicles on highways;
- (42) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (43) RCW 46.61.740 relating to theft of motor vehicle fuel;

- (44) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (45) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (46) Chapter 46.65 RCW relating to habitual traffic offenders;
- (47) RCW 46.68.010 relating to false statements made to obtain a refund;
- (48) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (49) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (50) RCW 46.72A.060 relating to limousine carrier insurance;
- (51) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
- (52) RCW 46.72A.080 relating to false advertising by a limousine carrier;
- (53) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (54) Chapter 46.82 RCW relating to driver's training schools;
- (55) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (56) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

[2001 c 325 § 4; 1999 c 86 § 6; 1998 c 294 § 3. Prior: 1997 c 229 § 13; 1997 c 66 § 8; prior: 1996 c 307 § 6; 1996 c 287 § 7; 1996 c 93 § 3; 1996 c 87 § 21; 1996 c 31 § 3; prior: 1995 1st sp.s. c 16 § 1; 1995 c 332 § 16; 1995 c 256 § 25; prior: 1994 c 275 § 33; 1994 c 141 § 2; 1993 c 501 § 8; 1992 c 32 § 4; 1991 c 339 § 27; prior: 1990 c 250 § 59; 1990 c 95 § 3; prior: 1989 c 353 § 8; 1989 c 178 § 27; 1989 c 111 § 20; prior: 1987 c 388 § 11; 1987 c 247 § 6; 1987 c 244 § 55; 1987 c 181 § 2; 1986 c 186 § 3; prior: 1985 c 377 § 28; 1985 c 353 § 2; 1985 c 302 § 7; 1983 c 164 § 6; 1982 c 10 § 12; prior: 1981 c 318 § 2; 1981 c 19 § 1; 1980 c 148 § 7; 1979 ex.s. c 136 § 2.]

NOTES:

Effective date--1997 c 229: See note following RCW 10.05.090.

Effective date--1995 1st sp.s. c 16: "This act shall take effect September 1, 1995." [1995 1st sp.s. c 16 § 2.]

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Effective date--1994 c 141: See note following RCW 46.61.527.

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Severability--1987 c 388: See note following RCW 46.20.342.

Effective dates--1987 c 244: See note following RCW 46.12.020.

Severability--Effective date--1985 c 377: See RCW 46.55.900 and 46.55.902.

Severability--1982 c 10: See note following RCW 6.13.080.

Severability--1981 c 19: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 19 § 7.]

Effective date--1980 c 148: See note following RCW 46.10.090.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.030 Notice of traffic infraction--Issuance--Abandoned vehicles.

- (1) A law enforcement officer has the authority to issue a notice of traffic infraction:
 - (a) When the infraction is committed in the officer's presence;
 - (b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; or
 - (c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction.
- (2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.
- (3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.
- (4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the registered owner of the vehicle. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

[1995 c 219 § 5; 1994 c 176 § 3; 1987 c 66 § 2; 1980 c 128 § 10; 1979 ex.s. c 136 § 3.]

Notes:

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.040 Jurisdiction of courts--Jurisdiction of college and university governing bodies.

- (1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.
- (2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.
- (3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.
- (4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

[1984 c 258 § 137; 1983 c 221 § 2; 1979 ex.s. c 136 § 6.]

Notes:

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Application--1984 c 258 §§ 101-139: See note following RCW 3.50.005.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.050 Training of judicial officers.

All judges and court commissioners adjudicating traffic infractions shall complete such training requirements as are promulgated by the supreme court.

[1979 ex.s. c 136 § 7.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.060 Notice of traffic infraction--Determination final unless contested--Form.

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial; that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle license;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days or the person's driver's license or driving privilege will be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle license, until any penalties imposed pursuant to this chapter have been satisfied;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter.

[1993 c 501 § 9; 1984 c 224 § 2; 1982 1st ex.s. c 14 § 2; 1980 c 128 § 1; 1979 ex.s. c 136 § 8.]

Notes:

Severability--Effective date--1984 c 224: See notes following RCW 46.16.216.

Effective date--1982 1st ex.s. c 14: "This act shall take effect on July 1, 1984, and shall apply to violations of traffic laws committed on or after July 1, 1984." [1982 1st ex.s. c 14 § 7.]

Severability--1982 1st ex.s. c 14: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 1st ex.s. c 14 § 6.]

Effective date--1980 c 128: "Sections 1 through 8 and 10 through 16 of this act shall take effect on January 1, 1981, and shall apply to violations of the traffic laws committed on or after January 1, 1981. Section 9 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately." [1980 c 128 § 18.]

Severability--1980 c 128: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 128 § 17.]

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.070 Response to notice--Contesting determination--Hearing--Failure to respond or appear.

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5)(a) In hearings conducted pursuant to subsections (3) and (4) of this section, the court may defer findings, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one year and impose conditions upon the defendant the court deems appropriate. Upon deferring findings, the court may assess costs as the court deems appropriate for administrative processing. If at the end of the deferral period the defendant has met all conditions and has not been determined to have committed another traffic infraction, the court may dismiss the infraction.

(b) A person may not receive more than one deferral within a seven-year period for traffic infractions for moving violations and more than one deferral within a seven-year period for traffic infractions for nonmoving violations.

(6) If any person issued a notice of traffic infraction:

(a) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section; the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

[2000 c 110 § 1; 1993 c 501 § 10; 1984 c 224 § 3; 1982 1st ex.s. c 14 § 3; 1980 c 128 § 2; 1979 ex.s. c 136 § 9.]

Notes:

Severability--Effective date--1984 c 224: See notes following RCW 46.16.216.

Effective date--Severability--1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.080 Hearings--Rules of procedure--Counsel.

(1) Procedures for the conduct of all hearings provided for in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

[1981 c 19 § 2; 1979 ex.s. c 136 § 10.]

Notes:

Severability--1981 c 19: See note following RCW 46.63.020.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.090 Hearings--Contesting determination that infraction committed--Appeal.

(1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

[1980 c 128 § 3; 1979 ex.s. c 136 § 11.]

Notes:

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.100 Hearings--Explanation of mitigating circumstances.

(1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(3) There may be no appeal from the court's determination or order.

[1979 ex.s. c 136 § 12.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.110 Monetary penalties.

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(7)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community service program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (7) by participation in the community service program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense

fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

[2001 c 289 § 2; 1997 c 331 § 3; 1993 c 501 § 11; 1986 c 213 § 2; 1984 c 258 § 330. Prior: 1982 1st ex.s. c 14 § 4; 1982 1st ex.s. c 12 § 1; 1982 c 10 § 13; prior: 1981 c 330 § 7; 1981 c 19 § 6; 1980 c 128 § 4; 1979 ex.s. c 136 § 13.]

NOTES:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--1997 c 331: See note following RCW 70.168.135.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Effective date--Severability--1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Severability--1982 c 10: See note following RCW 6.13.080.

Severability--1981 c 330: See note following RCW 3.62.060.

Severability--1981 c 19: See note following RCW 46.63.020.

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Additional statutory assessments: RCW 3.62.090.

RCW 46.63.120 Order of court--Civil nature--Waiver, reduction, suspension of penalty--Community service.

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

[1979 ex.s. c 136 § 14.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.130 Issue of process by court of limited jurisdiction.

Notwithstanding any other provisions of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged traffic infraction may issue process anywhere within the state.

[1980 c 128 § 5.]

Notes:

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

RCW 46.63.140 Presumption regarding stopped, standing, or parked vehicles.

(1) In any traffic infraction case involving a violation of this title or equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the notice of traffic infraction was stopping, standing, or parking in violation of any such provision of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure prescribed in RCW 46.63.030(3) has been followed.

[1980 c 128 § 11.]

Notes:

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

RCW 46.63.151 Costs and attorney fees.

Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case, except as provided for in RCW 46.30.020(2).

[1991 sp.s. c 25 § 3; 1981 c 19 § 4.]

Notes:

Severability--1981 c 19: See note following RCW 46.63.020.

Chapter 46.64 RCW ENFORCEMENT

Sections

| | |
|-----------|---|
| 46.64.010 | Traffic citations--Record of--Cancellation prohibited--Penalty--Citation audit. |
| 46.64.015 | Citation and notice to appear in court--Issuance--Contents--Written promise--Arrest--Detention. |
| 46.64.018 | Arrest without warrant for certain traffic offenses. |
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| 46.64.060 | Stopping motor vehicles for driver's license check, vehicle inspection and test--Purpose. |
| 46.64.070 | Stopping motor vehicles for driver's license check, vehicle inspection and test--Authorized--Powers additional. |

RCW 46.64.010 Traffic citations--Record of--Cancellation

prohibited--Penalty--Citation audit.

Every traffic enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau.

Upon the deposit of the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this section, shall be guilty of a misdemeanor.

Every record of traffic citations required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the traffic enforcement agency is responsible.

[1961 c 12 § 46.64.010. Prior: 1949 c 196 § 16; 1937 c 189 § 145; Rem. Supp. 1949 § 6360-145.]

RCW 46.64.015 Citation and notice to appear in court--Issuance--Contents--Written promise--Arrest--Detention.

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him or her a traffic citation and notice to appear in court. Such citation and notice shall conform

to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his or her written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer, and if the arrested person is a nonresident of the state, shall also post a bond, cash security, or bail as required under RCW 46.64.035. An officer may not serve or issue any traffic citation or notice for any offense or violation except either when the offense or violation is committed in his or her presence or when a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;

(2) Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100(3), as now or hereafter amended;

(3) When the arrested person is a nonresident and is being detained for a hearing under RCW 46.64.035.

[1987 c 345 § 2; 1985 c 303 § 11; 1979 ex.s. c 28 § 2; 1975-'76 2nd ex.s. c 95 § 2; 1975 c 56 § 1; 1967 c 32 § 70; 1961 c 12 § 46.64.015. Prior: 1951 c 175 § 1.]

RCW 46.64.018 Arrest without warrant for certain traffic offenses.

See RCW 10.31.100.

RCW 46.64.025 Failure to appear--Notice to department.

Whenever any person violates his or her written promise to appear in court, or fails to appear for a scheduled court hearing, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

[1999 c 86 § 7; 1979 c 158 § 175; 1967 c 32 § 71; 1965 ex.s. c 121 § 23.]

Notes:

Severability--1965 ex.s. c 121: See RCW 46.20.910.

Purpose--Construction--1965 ex.s. c 121: See note following RCW 46.20.021.

RCW 46.64.030 Procedure governing arrest and prosecution.

The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses either committed in their presence or believed to have been committed based on probable cause pursuant to RCW 10.31.100, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

[1979 ex.s. c 28 § 3; 1975 c 56 § 2; 1967 c 32 § 72; 1961 c 12 § 46.64.030. Prior: 1937 c 189 § 147; RRS § 6360-147.]

RCW 46.64.035 Posting of security or bail by nonresident--Penalty.

Any nonresident of the state of Washington who is issued a notice of infraction or a citation for a traffic offense may be required to post either a bond or cash security in the amount of the infraction penalty or to post bail. The court shall by January 1, 1990, accept, in lieu of bond or cash security, valid major credit cards issued by a bank or other financial institution or automobile club card guaranteed by an insurance company licensed to conduct business in the state. If payment is made by credit card the court is authorized to impose, in addition to any penalty or fine, an amount equal to the charge to the court for accepting such cards. If the person cannot post the bond, cash security, or bail, he or she shall be taken to a magistrate or judge for a hearing at the first possible working time of the court. If the person refuses to comply with this section, he or she shall be guilty of a misdemeanor. This section does not apply to residents of states that have entered into a reciprocal agreement as outlined in RCW 46.23.020.

[1987 c 345 § 3.]

RCW 46.64.040 Nonresident's use of highways--Resident leaving state--Secretary of state as attorney in fact.

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his or her operation of a vehicle thereon, or the operation thereon of his or her vehicle with his or her consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his or her true and lawful attorney upon whom may be served all lawful summons and processes against him or her growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his or her vehicle is being operated thereon with his or her consent, express or implied, and such operation and acceptance shall be a signification of the nonresident's agreement that any summons or process against him or her which is so served shall be of the same legal force and validity as if served on the nonresident personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his or her lawful attorney for service of summons as provided in this section for

nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee established by the secretary of state by rule with the secretary of state of the state of Washington, or at the secretary of state's office, and such service shall be sufficient and valid personal service upon said resident or nonresident: PROVIDED, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff's attorney that the attorney has with due diligence attempted to serve personal process upon the defendant at all addresses known to him or her of defendant and further listing in his or her affidavit the addresses at which he or she attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: PROVIDED FURTHER, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at the defendant's address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee paid by the plaintiff to the secretary of state shall be taxed as part of his or her costs if he or she prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

[1993 c 269 § 16; 1982 c 35 § 197; 1973 c 91 § 1; 1971 ex.s. c 69 § 1; 1961 c 12 § 46.64.040. Prior: 1959 c 121 § 1; 1957 c 75 § 1; 1937 c 189 § 129; RRS § 6360-129.]

Notes:

Rules of court: *Cf. CR 12(a).*

Effective date--1993 c 269: See note following RCW 23.86.070.

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

Deposit of fees in secretary of state's revolving fund: RCW 43.07.130.

RCW 46.64.048 Attempting, aiding, abetting, coercing, committing violations, punishable.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or willfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense.

[1990 c 250 § 60; 1961 c 12 § 46.56.210. Prior: 1937 c 189 § 149; RRS § 6360-149. Formerly RCW 46.61.695.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.64.050 General penalty.

It is a traffic infraction for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony, a gross misdemeanor, or a misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

[1979 ex.s. c 136 § 93; 1975-'76 2nd ex.s. c 95 § 3; 1961 c 12 § 46.64.050. Prior: (i) 1937 c 189 § 150; RRS § 6360-150; 1927 c 309 § 53; RRS § 6362-53. (ii) 1937 c 188 § 82; RRS § 6312-82; 1921 c 108 § 16; RRS § 6378.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.64.055 Additional monetary penalty.

(1) In addition to any other penalties imposed for conviction of a violation of this title that is a misdemeanor, gross misdemeanor, or felony, the court shall impose an additional penalty of fifty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community service program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this section by participation in the community service program.

(2) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this section to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this section must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

[2001 c 289 § 3.]

RCW 46.64.060 Stopping motor vehicles for driver's license check, vehicle inspection and test--Purpose.

The purpose of RCW 46.64.060 and 46.64.070 is to provide for the exercise of the police power of this state to protect the health and safety of its citizens by assuring that only qualified drivers and vehicles which meet minimum equipment standards shall operate upon the highways of this state.

[1967 c 144 § 1.]

Notes:

Severability--1967 c 144: "If any provision, clause or word of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision of application, and to this end the provisions of this act are declared to be severable." [1967 c 144 § 3.]

RCW 46.64.070 Stopping motor vehicles for driver's license check, vehicle inspection and test--Authorized--Powers additional.

To carry out the purpose of RCW 46.64.060 and 46.64.070, officers of the Washington state patrol are hereby empowered during daylight hours and while using plainly marked state patrol vehicles to require the driver of any motor vehicle being operated on any highway of this state to stop and display his or her driver's license and/or to submit the motor vehicle being driven by such person to an inspection and test to ascertain whether such vehicle complies with the minimum equipment requirements prescribed by chapter 46.37 RCW, as now or hereafter amended. No criminal citation shall be issued for a period of ten days after giving a warning ticket pointing out the defect.

The powers conferred by RCW 46.64.060 and 46.64.070 are in addition to all other powers conferred by law upon such officers, including but not limited to powers conferred upon them as police officers pursuant to RCW 46.20.349 and powers conferred by chapter 46.32 RCW.

[1999 c 6 § 26; 1973 2nd ex.s. c 22 § 1; 1967 c 144 § 2.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1967 c 144: See note following RCW 46.64.060.

**Chapter 46.65 RCW
WASHINGTON HABITUAL TRAFFIC OFFENDERS ACT**

Sections

| | |
|-----------|---|
| 46.65.010 | State policy enunciated. |
| 46.65.020 | Habitual offender defined. |
| 46.65.030 | Transcript or abstract of conviction record certified--As prima facie evidence. |
| 46.65.060 | Department findings--Revocation of license--Stay by department. |
| 46.65.065 | Revocation of habitual offender's license--Request for hearing, scope--Right to appeal. |
| 46.65.070 | Period during which habitual offender not to be issued license. |
| 46.65.080 | Four-year petition for license restoration--Reinstatement of driving privilege. |
| 46.65.100 | Seven-year petition for license restoration--Reinstatement of driving privilege. |
| 46.65.900 | Construction--Chapter supplemental. |
| 46.65.910 | Short title. |

RCW 46.65.010 State policy enunciated.

It is hereby declared to be the policy of the state of Washington:

(1) To provide maximum safety for all persons who travel or otherwise use the public highways of this state; and

(2) To deny the privilege of operating motor vehicles on such highways to persons who

by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of her courts and the statutorily required acts of her administrative agencies; and

(3) To discourage repetition of criminal acts by individuals against the peace and dignity of the state and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.

[1971 ex.s. c 284 § 3.]

Notes:

Severability--1971 ex.s. c 284: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 284 § 17.]

RCW 46.65.020 Habitual offender defined.

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender means any person, resident or nonresident, who has accumulated convictions or findings that the person committed a traffic infraction as defined in RCW 46.20.270, or, if a minor, has violations recorded with the department of licensing, for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five-year period, as evidenced by the records maintained in the department of licensing: PROVIDED, That where more than one described offense is committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Vehicular homicide as defined in RCW 46.61.520;

(b) Vehicular assault as defined in RCW 46.61.522;

(c) Driving or operating a motor vehicle while under the influence of intoxicants or drugs;

(d) Driving a motor vehicle while his or her license, permit, or privilege to drive has been suspended or revoked as defined in RCW 46.20.342(1)(b);

(e) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any vehicle which is driven or attended by any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020;

(f) Reckless driving as defined in RCW 46.61.500;

(g) Being in physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504; or

(h) Attempting to elude a pursuing police vehicle as defined in RCW 46.61.024;

(2) Twenty or more convictions or findings that the person committed a traffic infraction for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle that are required to be reported to the department of licensing other than the offenses of

driving with an expired driver's license and not having a driver's license in the operator's immediate possession. Such convictions or findings shall include those for offenses enumerated in subsection (1) of this section when taken with and added to those offenses described herein but shall not include convictions or findings for any nonmoving violation. No person may be considered an habitual offender under this subsection unless at least three convictions have occurred within the three hundred sixty-five days immediately preceding the last conviction.

The offenses included in subsections (1) and (2) of this section are deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

[1991 c 293 § 7; 1983 c 164 § 7; 1981 c 188 § 1; 1979 ex.s. c 136 § 94; 1979 c 62 § 1; 1971 ex.s. c 284 § 4.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1979 c 62: "If any provision of this 1979 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1979 c 62 § 8.]

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.030 Transcript or abstract of conviction record certified--As prima facie evidence.

The director of the department of licensing shall certify a transcript or abstract of the record of convictions and findings of traffic infractions as maintained by the department of licensing of any person whose record brings him or her within the definition of an habitual offender, as defined in RCW 46.65.020, to the hearing officer appointed in the event a hearing is requested. Such transcript or abstract may be admitted as evidence in any hearing or court proceeding and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person denies any of the facts as stated therein, he or she shall have the burden of proving that such fact is untrue.

[1983 c 209 § 1; 1979 ex.s. c 136 § 95; 1979 c 62 § 2; 1971 ex.s. c 284 § 5.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1979 c 62: See note following RCW 46.65.020.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.060 Department findings--Revocation of license--Stay by department.

If the department finds that such person is not an habitual offender under this chapter, the proceeding shall be dismissed, but if the department finds that such person is an habitual offender, the department shall revoke the operator's license for a period of seven years:

PROVIDED, That the department may stay the date of the revocation if it finds that the traffic offenses upon which it is based were caused by or are the result of alcoholism and/or drug addiction as evaluated by a program approved by the department of social and health services, and that since his or her last offense he or she has undertaken and followed a course of treatment for alcoholism and/or drug treatment in a program approved by the department of social and health services; such stay shall be subject to terms and conditions as are deemed reasonable by the department. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1) or violation of any of the terms or conditions of the original stay order, the stay shall be removed and the department shall revoke the operator's license for a period of seven years.

[1999 c 274 § 7; 1985 c 101 § 2; 1981 c 188 § 2; 1979 c 62 § 3; 1973 1st ex.s. c 83 § 1; 1971 ex.s. c 284 § 8.]

Notes:

Severability--1979 c 62: See note following RCW 46.65.020.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.065 Revocation of habitual offender's license--Request for hearing, scope--Right to appeal.

(1) Whenever a person's driving record, as maintained by the department, brings him or her within the definition of an habitual traffic offender, as defined in RCW 46.65.020, the department shall forthwith notify the person of the revocation in writing by certified mail at his or her address of record as maintained by the department. If the person is a nonresident of this state, notice shall be sent to the person's last known address. Notices of revocation shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. A request for a hearing stays the effectiveness of the revocation.

(2) Upon receipt of a request for a hearing, the department shall schedule a hearing in the county in which the person making the request resides, and if [the] person is a nonresident of this state, the hearing shall be held in Thurston county. The department shall give at least ten days notice of the hearing to the person.

(3) The scope of the hearings provided by this section is limited to the issues of whether the certified transcripts or abstracts of the convictions, as maintained by the department, show that the requisite number of violations have been accumulated within the prescribed period of time as set forth in RCW 46.65.020 and whether the terms and conditions for granting stays, as provided in RCW 46.65.060, have been met.

(4) Upon receipt of the hearing officer's decision, an aggrieved party may appeal to the superior court of the county in which he or she resides, or, in the case of a nonresident of this state, in the superior court of Thurston county, for review of the revocation. Notice of appeal

must be filed within thirty days after receipt of the hearing officer's decision or the right to appeal is waived. Review by the court shall be de novo and without a jury.

(5) The filing of a notice of appeal does not stay the effective date of the revocation.

[1989 c 337 § 10; 1979 c 62 § 5.]

Notes:

Severability--1979 c 62: See note following RCW 46.65.020.

RCW 46.65.070 Period during which habitual offender not to be issued license.

No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of seven years from the date of the license revocation except as provided in RCW 46.65.080, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of licensing as provided in this chapter.

[1998 c 214 § 2; 1990 c 250 § 62; 1979 c 62 § 4; 1971 ex.s. c 284 § 9.]

Notes:

Effective date--1998 c 214: See note following RCW 46.61.5055.

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1979 c 62: See note following RCW 46.65.020.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.080 Four-year petition for license restoration--Reinstatement of driving privilege.

At the end of four years, the habitual offender may petition the department of licensing for the return of his operator's license and upon good and sufficient showing, the department of licensing may, wholly or conditionally, reinstate the privilege of such person to operate a motor vehicle in this state.

[1998 c 214 § 3; 1979 c 158 § 181; 1971 ex.s. c 284 § 10.]

Notes:

Effective date--1998 c 214: See note following RCW 46.61.5055.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.100 Seven-year petition for license restoration--Reinstatement of driving privilege.

At the expiration of seven years from the date of any final order finding a person to be an habitual offender and directing him not to operate a motor vehicle in this state, such person may petition the department of licensing for restoration of his privilege to operate a motor vehicle in this state. Upon receipt of such petition, and for good cause shown, the department of licensing shall restore to such person the privilege to operate a motor vehicle in this state upon such terms and conditions as the department of licensing may prescribe, subject to the provisions of chapter

46.29 RCW and such other provisions of law relating to the issuance or revocation of operators' licenses.

[1998 c 214 § 4; 1979 c 158 § 182; 1971 ex.s. c 284 § 12.]

Notes:

Effective date--1998 c 214: See note following RCW 46.61.5055.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.900 Construction--Chapter supplemental.

Nothing in this chapter shall be construed as amending, modifying, or repealing any existing law of Washington or any existing ordinance of any political subdivision relating to the operation or licensing of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof or shall be construed so as to preclude the exercise of regulatory powers of any division, agency, department, or political subdivision of the state having the statutory power to regulate such operation and licensing.

[1971 ex.s. c 284 § 14.]

Notes:

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.910 Short title.

This chapter shall be known and may be cited as the "Washington Habitual Traffic Offenders Act."

[1971 ex.s. c 284 § 18.]

Notes:

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

**Chapter 46.68 RCW
DISPOSITION OF REVENUE**

Sections

| | |
|-----------|---|
| 46.68.010 | Erroneous payments--Refunds, underpayments--Penalty for false statements. |
| 46.68.020 | Disposition of fees for certificates of ownership. |
| 46.68.030 | Disposition of vehicle license fees. |
| 46.68.035 | Disposition of combined vehicle licensing fees. |
| 46.68.041 | Disposition of drivers' license fees. |
| 46.68.060 | Highway safety fund created--Use limited. |
| 46.68.065 | Motorcycle safety education account. |
| 46.68.070 | Motor vehicle fund created--Use limited. |
| 46.68.080 | Refund of vehicle license fees and fuel tax to island counties. |
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| 46.68.110 | Distribution of amount allocated to cities and towns. |
| 46.68.120 | Distribution of amount allocated to counties--Generally. |
| 46.68.122 | Distribution of amount to counties--Factors of distribution formula. |
| 46.68.124 | Distribution of amount to counties--Population, road cost, money need, computed--Allocation percentage adjustment. |
| 46.68.130 | Expenditure of balance of motor vehicle fund. |
| 46.68.160 | Urban arterial trust account--Created in motor vehicle fund--Expenditures from. |
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| 46.68.210 | Puyallup tribal settlement account. |
| 46.68.220 | Department of licensing services account. |
| 46.68.230 | Transfer of funds under government service agreement. |
| 46.68.240 | Highway infrastructure account. |
| 46.68.250 | Vehicle licensing fraud account. |
| 46.68.260 | Impaired driving safety account. |

Notes:

Amount of snowmobile fuel tax paid as motor vehicle fuel tax: RCW 46.10.170.

Highway funds, use, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).

Motor vehicle

fuel tax: Chapter 82.36 RCW.

special fuel tax: Chapter 82.38 RCW.

use tax: Chapter 82.12 RCW.

Motor vehicle fund income from United States securities--Exemption from reserve fund requirement: RCW 43.84.095.

Off-road vehicle fuel tax--Refunds from motor vehicle fund: RCW 46.09.170.

Snowmobile fuel tax--Refund to general fund: RCW 46.10.150.

State patrol: Chapter 43.43 RCW.

RCW 46.68.010 Erroneous payments--Refunds, underpayments--Penalty for false statements.

Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the payor is entitled to have refunded the amount so erroneously paid. A license fee is refundable in one or more of the following circumstances: (1) If the vehicle for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (2) if the vehicle for which the renewal license was purchased was permanently removed from the state before the beginning date of the registration period for which the renewal fee was paid; (3) if the vehicle license was purchased after the owner has sold the vehicle; (4) if the vehicle is currently licensed in Washington and is subsequently licensed in another jurisdiction, in which case any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable; or (5) if the vehicle for which the renewal license was purchased is sold before the beginning date of the registration period for which the renewal fee was paid, and the payor returns the new, unused, never affixed license renewal tabs to the department before the beginning of the registration period for which the registration was

purchased. Upon the refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto. No claim for refund shall be allowed for such erroneous payments unless filed with the director within three years after such claimed erroneous payment was made.

If due to error a person has been required to pay a vehicle license fee under this title and an excise tax under Title 82 RCW that amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.

[1997 c 22 § 1; 1996 c 31 § 1; 1993 c 307 § 2; 1989 c 68 § 1; 1979 c 120 § 1; 1967 c 32 § 73; 1961 c 12 § 46.68.010. Prior: 1937 c 188 § 76; RRS § 6312-76.]

RCW 46.68.020 Disposition of fees for certificates of ownership.

The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys to the motor vehicle fund and all expenses incurred in carrying out the provisions of that chapter shall be paid from such fund as authorized by legislative appropriation.

[1961 c 12 § 46.68.020. Prior: 1955 c 259 § 3; 1947 c 164 § 7; 1937 c 188 § 11; Rem. Supp. 1947 § 6312-11.]

RCW 46.68.030 Disposition of vehicle license fees.

Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, and as otherwise provided for in chapter 46.16 RCW, all fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry

operations account. Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.

[1990 c 42 § 109; 1985 c 380 § 20. Prior: 1983 c 15 § 23; 1983 c 3 § 122; 1981 c 342 § 9; 1973 c 103 § 3; 1971 ex.s. c 231 § 11; 1971 ex.s. c 91 § 1; 1969 ex.s. c 281 § 25; 1969 c 99 § 8; 1965 c 25 § 2; 1961 ex.s. c 7 § 17; 1961 c 12 § 46.68.030; prior: 1957 c 105 § 2; 1955 c 259 § 4; 1947 c 164 § 15; 1937 c 188 § 40; Rem. Supp. 1947 § 6312-40.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Severability--1983 c 15: See RCW 47.64.910.

Effective date--Severability--1981 c 342: See notes following RCW 82.36.010.

Refund of mobile home identification tag fees: "The department of motor vehicles shall refund all moneys collected in 1973 for mobile home identification tags. Such refunds shall be made to those persons who have purchased such tags. The department shall adopt rules pursuant to chapter 34.04 RCW to comply with the provisions of this section." [1973 c 103 § 4.]

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

Effective date--1965 c 25: "This act shall take effect January 1, 1966." [1965 c 25 § 6.]

RCW 46.68.035 Disposition of combined vehicle licensing fees.

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) 23.677 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 1.521 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

[2000 2nd sp.s. c 4 § 8; 1993 c 102 § 7; 1990 c 42 § 106; 1989 c 156 § 4; 1985 c 380 § 21.]

Notes:

Effective dates--2000 2nd sp.s. c 4 §§ 4-10: See note following RCW 43.89.010.

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Application--1989 c 156: See note following RCW 46.16.070.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

RCW 46.68.041 Disposition of drivers' license fees.

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)(b)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

[1998 c 212 § 3; 1995 2nd sp.s. c 3 § 1; 1985 ex.s. c 1 § 12; 1981 c 245 § 3; 1979 c 63 § 3; 1977 c 27 § 1; 1975 1st ex.s. c 293 § 20; 1971 ex.s. c 91 § 2; 1969 c 99 § 9; 1967 c 174 § 3; 1965 c 25 § 4.]

Notes:

Effective date--1995 2nd sp.s. c 3: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 2nd sp.s. c 3 § 2.]

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--1981 c 245: See note following RCW 46.20.161.

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

Effective date--1967 c 174: See note following RCW 46.29.050.

Effective date--1965 c 25: See note following RCW 46.68.030.

RCW 46.68.060 Highway safety fund created--Use limited.

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010.

[1969 c 99 § 11; 1967 c 174 § 4; 1965 c 25 § 3; 1961 c 12 § 46.68.060. Prior: 1957 c 104 § 1; 1937 c 188 § 81; RRS § 6312-81; 1921 c 108 § 13; RRS § 6375.]

Notes:

Effective date--1969 c 99: See note following RCW 79A.05.070.

Effective date--1969 c 25: See note following RCW 46.16.060.

Effective date--1967 c 174: See note following RCW 46.29.050.

Effective date--1965 c 25: See note following RCW 46.68.030.

Deposits into account: RCW 46.20.505, 46.20.510, 46.81A.030.

RCW 46.68.065 Motorcycle safety education account.

There is hereby created the motorcycle safety education account in the highway safety fund of the state treasury, to the credit of which shall be deposited all moneys directed by law to be credited thereto. All expenses incurred by the director of the department of licensing in administering RCW 46.20.505 through 46.20.520 shall be borne by appropriations from this account, and moneys deposited into this account shall be used only for the purposes authorized

in RCW 46.20.505 through 46.20.520.

[2001 c 285 § 1; 1982 c 77 § 8.]

NOTES:

Severability--1982 c 77: See note following RCW 46.20.500.

RCW 46.68.070 Motor vehicle fund created--Use limited.

There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of RCW 47.30.030.

[1972 ex.s. c 103 § 6; 1961 c 12 § 46.68.070. Prior: (i) 1935 c 111 § 1, part; 1933 c 41 § 4, part; RRS § 6600, part; 1929 c 163 § 1; 1925 ex.s. c 185 § 1; 1923 c 181 § 3; 1921 c 96 § 18; 1919 c 46 § 3; 1917 c 155 § 13; 1915 c 142 § 18; RRS § 6330. (ii) 1939 c 181 § 1; RRS § 6600-1; 1937 c 208 §§ 1, 2, part.]

Notes:

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

RCW 46.68.080 Refund of vehicle license fees and fuel tax to island counties.

All motor vehicle license fees and all motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

One-half of all motor vehicle license fees and motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

All funds paid to the county treasurer of the counties of either class above referred to as in this section provided, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of

motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

[1961 c 12 § 46.68.080. Prior: 1939 c 181 § 9; RRS § 6450-54a.]

RCW 46.68.090 Distribution of state-wide taxes.

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in the proportions set forth in (c) through (l) of this subsection.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

(c) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

(d) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (1)(d);

(e) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

(f) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

(g) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

(h) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

(i) For distribution to the cities and towns from the motor vehicle fund an amount equal

to 10.6961 percent in accordance with RCW 46.68.110;

(j) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(k) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

(l) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

(2) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

[1999 c 269 § 2; 1999 c 94 § 6. Prior: 1994 c 225 § 2; 1994 c 179 § 3; 1991 c 342 § 56; 1990 c 42 § 102; 1983 1st ex.s. c 49 § 21; 1979 c 158 § 184; 1977 ex.s. c 317 § 8; 1967 c 32 § 74; 1961 ex.s. c 7 § 5; 1961 c 12 § 46.68.090; prior: 1943 c 115 § 3; 1939 c 181 § 2; Rem. Supp. 1943 § 6600-1d; 1937 c 208 §§ 2, part, 3, part.]

Notes:

Reviser's note: This section was amended by 1999 c 94 § 6 and by 1999 c 269 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective date--1994 c 225: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect May 1, 1994." [1994 c 225 § 4.]

Effective dates--1991 c 342: See note following RCW 47.26.167.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Severability--Effective date--1983 1st ex.s. c 49: See RCW 36.79.900 and 36.79.901.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

Rural arterial trust account: RCW 36.79.020.

Urban arterial trust account: RCW 47.26.080.

RCW 46.68.110 Distribution of amount allocated to cities and towns.

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090(1)(i) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090(1)(i) shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

[1999 c 269 § 3; 1999 c 94 § 9; 1996 c 94 § 1. Prior: 1991 sp.s. c 15 § 46; 1991 c 342 § 59; 1989 1st ex.s. c 6 § 41; 1987 1st ex.s. c 10 § 37; 1985 c 460 § 32; 1979 c 151 § 161; 1975 1st ex.s. c 100 § 1; 1961 ex.s. c 7 § 7; 1961 c 12 § 46.68.110; prior: 1957 c 175 § 11; 1949 c 143 § 1; 1943 c 83 § 2; 1941 c 232 § 1; 1939 c 181 § 4; Rem. Supp. 1949 § 6600-3a; 1937 c 208 §§ 2, part, 3, part.]

Notes:

Reviser's note: This section was amended by 1999 c 94 § 9 and by 1999 c 269 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Construction--Severability--1991 sp.s. c 15: "The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation

enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1991 sp.s. c 15 § 69.]

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1989 1st ex.s. c 6: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 1st ex.s. c 6 § 75.]

Severability--1987 1st ex.s. c 10: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 1st ex.s. c 10 § 60.]

Severability--1985 c 460: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 460 § 42.]

Expense of cost-audit examination of city and town street records payable from funds withheld under RCW 46.68.110(1): RCW 35.76.050.

Population determination, office of financial management: Chapter 43.62 RCW.

RCW 46.68.120 Distribution of amount allocated to counties--Generally.

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

[1991 sp.s. c 15 § 47; 1991 c 342 § 64; 1989 1st ex.s. c 6 § 42; 1987 1st ex.s. c 10 § 38; 1985 c 460 § 33; 1985 c 120 § 1; 1982 c 33 § 1; 1980 c 87 § 44; 1979 c 158 § 185; 1977 ex.s. c 151 § 42; 1975 1st ex.s. c 100 § 2; 1973 1st ex.s. c 195 § 47; 1972 ex.s. c 103 § 1; 1967 c 32 § 75; 1965 ex.s. c 120 § 12; 1961 c 12 § 46.68.120. Prior: 1957 c 109 § 1; 1955 c 243 § 1; 1949 c 143 § 2; 1945 c 260 § 1; 1943 c 83 § 3; 1939 c 181 § 5; Rem. Supp. 149 § 6600-2a.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1989 1st ex.s. c 6: See note following RCW 46.68.110.

Severability--1987 1st ex.s. c 10: See note following RCW 46.68.110.

Severability--1985 c 460: See note following RCW 46.68.110.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070, 47.98.080.

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

County road administration board--Expenses to be paid from motor vehicle fund--Disbursement procedure: RCW 36.78.110.

RCW 46.68.122 Distribution of amount to counties--Factors of distribution formula.

Funds to be paid to the several counties pursuant to RCW 46.68.120(4) shall be allocated among them upon the basis of a distribution formula consisting of the following four factors:

(1) An equal distribution factor of ten percent of such funds shall be paid to each county;

(2) A population factor of thirty percent of such funds shall be paid to each county in direct proportion that the county's total equivalent population, as computed pursuant to RCW 46.68.124(1), is to the total equivalent population of all counties;

(3) A road cost factor of thirty percent of such funds shall be paid to each county in direct proportion that the county's total annual road cost, as computed pursuant to RCW 46.68.124(2), is to the total annual road costs of all counties;

(4) A money need factor of thirty percent of such funds shall be paid to each county in direct proportion that the county's money need factor, as computed pursuant to RCW 46.68.124(3), is to the total of money need factors of all counties.

[1982 c 33 § 2.]

RCW 46.68.124 Distribution of amount to counties--Population, road cost, money need, computed--Allocation percentage adjustment.

(1) The equivalent population for each county shall be computed as the sum of the population residing in the county's unincorporated area plus twenty-five percent of the population residing in the county's incorporated area. Population figures required for the computations in this subsection shall be certified by the director of the office of financial management on or before July 1st of each odd-numbered year.

(2) The total annual road cost for each county shall be computed as the sum of one twenty-fifth of the total estimated county road replacement cost, plus the total estimated annual maintenance cost. Appropriate costs for bridges and ferries shall be included. The county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing a single statewide cost per mile rate for each roadway category. The total annual cost for each county will be based on

the established statewide cost per mile and associated mileage for each category. The mileage to be used for these computations shall be as shown in the county road log as maintained by the county road administration board as of July 1, 1985, and each two years thereafter. Each county shall be responsible for submitting changes, corrections, and deletions as regards the county road log to the county road administration board. Such changes, corrections, and deletions shall be subject to verification and approval by the county road administration board prior to inclusion in the county road log.

(3) The money need factor for each county shall be the county's total annual road cost less the following four amounts:

(a) One-half the sum of the actual county road tax levied upon the valuation of all taxable property within the county road districts pursuant to RCW 36.82.040, including any amount of such tax diverted under chapter 39.89 RCW, for the two calendar years next preceding the year of computation of the allocation amounts as certified by the department of revenue;

(b) One-half the sum of all funds received by the county road fund from the federal forest reserve fund pursuant to RCW 28A.520.010 and 28A.520.020 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(c) One-half the sum of timber excise taxes received by the county road fund pursuant to chapter 84.33 RCW in the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(d) One-half the sum of motor vehicle license fees and motor vehicle and special fuel taxes refunded to the county, pursuant to RCW 46.68.080 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer.

(4) The state treasurer and the department of revenue shall furnish to the county road administration board the information required by subsection (3) of this section on or before July 1st of each odd-numbered year.

(5) The county road administration board, shall compute and provide to the counties the allocation factors of the several counties on or before September 1st of each year based solely upon the sources of information herein before required: PROVIDED, That the allocation factor shall be held to a level not more than five percent above or five percent below the allocation factor in use during the previous calendar year. Upon computation of the actual allocation factors of the several counties, the county road administration board shall provide such factors to the state treasurer to be used in the computation of the counties' fuel tax allocation for the succeeding calendar year. The state treasurer shall adjust the fuel tax allocation of each county on January 1st of every year based solely upon the information provided by the county road administration board.

[2001 c 212 § 28; 1990 c 33 § 586. Prior: 1985 c 120 § 2; 1985 c 7 § 113; 1982 c 33 § 3.]

NOTES:

Severability--2001 c 212: See RCW 39.89.902.

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 46.68.130 Expenditure of balance of motor vehicle fund.

The tax amount distributed to the state in the manner provided by RCW 46.68.090, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended, subject to proper appropriation and reappropriation, solely for highway purposes of the state, including the purposes of RCW 47.30.030. For the purposes of this section, the term "highway purposes of the state" does not include those expenditures of the Washington state patrol heretofore appropriated or reappropriated from the motor vehicle fund. Nothing in this section or in RCW 46.68.090 may be construed so as to violate terms or conditions contained in highway construction bond issues authorized by statute as of July 1, 1999, or thereafter and whose payment is, by the statute, pledged to be paid from excise taxes on motor vehicle fuel and special fuels.

[1999 c 269 § 4; 1981 c 342 § 11; 1974 ex.s. c 9 § 1; 1972 ex.s. c 103 § 7; 1971 ex.s. c 91 § 6; 1963 c 83 § 1; 1961 ex.s. c 7 § 9; 1961 c 12 § 46.68.130. Prior: 1957 c 271 § 4; 1957 c 105 § 3; 1941 c 246 § 1; 1939 c 181 § 6; Rem. Supp. 1941 § 6600-26.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Effective date--Severability--1981 c 342: See notes following RCW 82.36.010.

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

RCW 46.68.160 Urban arterial trust account--Created in motor vehicle fund--Expenditures from.

See RCW 47.26.080.

RCW 46.68.170 RV account--Use for sanitary disposal systems.

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW.

[1996 c 237 § 2; 1980 c 60 § 3.]

Notes:

Effective date--1980 c 60: See note following RCW 47.38.050.

Additional license fees for recreational vehicles: RCW 46.16.063.

RCW 46.68.210 Puyallup tribal settlement account.

(1) The Puyallup tribal settlement account is hereby created in the motor vehicle fund. All moneys designated by the "Agreement between the Puyallup Tribe of Indians, local governments in Pierce county, the state of Washington, the United States of America, and certain private property owners," dated August 27, 1988, (the "agreement") for use by the department of transportation on the Blair project as described in the agreement shall be deposited into the

account, including but not limited to federal appropriations for the Blair project, and appropriations contained in section 34, chapter 6, Laws of 1989 1st ex. sess. and section 709, chapter 19, Laws of 1989 1st ex. sess.

(2) All moneys deposited into the account shall be expended by the department of transportation pursuant to appropriation solely for the Blair project as described in the agreement.

[1991 sp.s. c 13 § 104; 1990 c 42 § 411.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 46.68.220 Department of licensing services account.

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities.

[1992 c 216 § 5.]

RCW 46.68.230 Transfer of funds under government service agreement.

Funds that are distributed to counties, cities, or towns pursuant to this chapter may be transferred by the recipient county, city, or town to another unit of local government pursuant to a government service agreement as provided in RCW 36.115.040 and 36.115.050.

[1994 c 266 § 9.]

RCW 46.68.240 Highway infrastructure account.

The highway infrastructure account is hereby created in the motor vehicle fund. Public and private entities may deposit moneys in the highway infrastructure account from federal, state, local, or private sources. Proceeds from bonds or other financial instruments sold to finance surface transportation projects from the highway infrastructure account shall be deposited into the account. Principal and interest payments made on loans from the highway infrastructure account shall be deposited into the account. Moneys in the account shall be available for purposes specified in RCW 82.44.195. Expenditures from the highway infrastructure account shall be subject to appropriation by the legislature. To the extent required by federal law or regulations promulgated by the United States secretary of transportation, the state treasurer is authorized to create separate subaccounts within the highway infrastructure account.

[1996 c 262 § 3.]

Notes:

Transportation infrastructure account--Highway infrastructure account--Finding--Intent--Purpose--1996 c 262: See RCW 82.44.195.

Effective date--1996 c 262: See note following RCW 82.44.190.

RCW 46.68.250 Vehicle licensing fraud account.

The vehicle licensing fraud account is created in the state treasury. From penalties and fines imposed under RCW 46.16.010, 47.68.255, and 88.02.118, an amount equal to the taxes and fees owed shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for vehicle license fraud enforcement and collections by the Washington state patrol and the department of revenue.

[1996 c 184 § 6.]

Notes:

Effective date--1996 c 184: See note following RCW 46.16.010.

RCW 46.68.260 Impaired driving safety account.

The impaired driving safety account is created in the custody of the state treasurer. All receipts from fees collected under RCW 46.20.311 (1)(b)(ii), (2)(b)(ii), and (3)(b) shall be deposited according to RCW 46.68.041. Expenditures from this account may be used only to fund projects to reduce impaired driving and to provide funding to local governments for costs associated with enforcing laws relating to driving and boating while under the influence of intoxicating liquor or any drug. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

[1998 c 212 § 2.]

**Chapter 46.70 RCW
DEALERS AND MANUFACTURERS**

(Formerly: Unfair business practices--Dealers' licenses)

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- 46.70.090 License plates--Use.
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- 46.70.220 Duties of attorney general and prosecuting attorneys to act on violations--Limitation of civil actions.
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- 46.70.240 Penalties--Jurisdiction.
- 46.70.250 Personal service of process outside state.
- 46.70.260 Application of chapter to existing and future franchises and contracts.
- 46.70.270 Provisions of chapter cumulative--Violation of RCW 46.70.180 deemed civil.
- 46.70.290 Mobile homes and persons engaged in distribution and sale.
- 46.70.300 Chapter exclusive--Local business and occupation tax not prevented.
- 46.70.310 Consumer Protection Act.
- 46.70.320 Buyer's agents.
- 46.70.330 Wholesale motor vehicle auction dealers.
- 46.70.900 Liberal construction.
- 46.70.910 Severability--1967 ex.s. c 74.
- 46.70.920 Severability--1973 1st ex.s. c 132.

NOTES:

Automotive repair: Chapter 46.71 RCW.

False or deceptive advertising: Chapter 9.04 RCW.

Lemon Law--Motor vehicle express warranties: Chapter 19.118 RCW.

Manufactured home safety and construction standards, inspections: RCW 43.22.431 through 43.22.434.

Retail installment sales of goods: Chapter 63.14 RCW.

Unfair business practices--Consumer protection: Chapter 19.86 RCW.

RCW 46.70.005 Declaration of purpose.

The legislature finds and declares that the distribution, sale, and lease of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors, or wholesalers and factory or distributor representatives, and to regulate and license dealers of vehicles doing business in Washington, in order to prevent frauds, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

[2001 c 272 § 1; 1986 c 241 § 1; 1973 1st ex.s. c 132 § 1; 1967 ex.s. c 74 § 1.]

NOTES:

Reviser's note: Throughout chapter 46.70 RCW the phrases "this act" and "this amendatory act" have been changed to "this chapter." This 1967 act or amendatory act [1967 ex.s. c 74] consisted of RCW 46.70.005 through 46.70.042, 46.70.051, 46.70.061, 46.70.081 through 46.70.083, 46.70.101 through 46.70.111, and 46.70.180 through 46.70.910, the 1967 amendments to RCW 46.70.060 and 46.70.070, and the repeal of RCW 46.70.010 through 46.70.050, 46.70.080, 46.70.100, and 46.70.110.

Emergency--Effective date--1967 ex.s. c 74: "This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and sections 1 through 3 and sections 16 through 25 shall take effect immediately. Sections 4 through 15 and sections 26 through 30 inclusive shall take effect on July 1, 1967." [1967 ex.s. c 74 § 31.]

RCW 46.70.011 Definitions.

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which that person is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or an affiliated licensee, who, on behalf of another negotiates the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the manufactured or mobile home is, or will be, located; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party; or

(i) Any person who is regularly engaged in the business of acquiring leases or installment contracts by assignment, with respect to the acquisition and sale or other disposition of a motor vehicle in which the person has acquired an interest as a result of the business.

(5) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or

nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(13) "Wholesale vehicle dealer" means a vehicle dealer who buys and sells other than at retail.

(14) "Retail vehicle dealer" means a vehicle dealer who may buy and sell at both wholesale and retail.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(16) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(17) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

(18) "Buyer's agent" means any person, firm, partnership, association, limited liability

company, limited liability partnership, or corporation retained or employed by a consumer to arrange for or to negotiate, or both, the purchase or lease of a new motor vehicle on behalf of the consumer, and who is paid a fee or receives other compensation from the consumer for its services.

(19) "New motor vehicle" means any motor vehicle that is self-propelled and is required to be registered and titled under Title 46 RCW, has not been previously titled to a retail purchaser or lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

[2001 c 272 § 2; 1998 c 46 § 1; 1996 c 194 § 1; 1993 c 175 § 1. Prior: 1989 c 337 § 11; 1989 c 301 § 1; 1988 c 287 § 1; 1986 c 241 § 2; 1981 c 305 § 2; 1979 c 158 § 186; 1979 c 11 § 3; prior: 1977 ex.s. c 204 § 2; 1977 ex.s. c 125 § 1; 1973 1st ex.s. c 132 § 2; 1969 ex.s. c 63 § 1; 1967 ex.s. c 74 § 3.]

RCW 46.70.021 License required for dealers or manufacturers--Penalties.

It is unlawful for any person, firm, or association to act as a vehicle dealer or vehicle manufacturer, to engage in business as such, serve in the capacity of such, advertise himself, herself, or themselves as such, solicit sales as such, or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter, unless the title of the vehicle is in the name of the seller. It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. A person or firm engaged in buying and offering for sale, or buying and selling five or more vehicles in a twelve-month period, or in any other way engaged in dealer activity without holding a vehicle dealer license, is guilty of a gross misdemeanor, and upon conviction is subject to a fine of up to five thousand dollars for each violation and up to one year in jail. A second offense is a class C felony punishable under chapter 9A.20 RCW. A violation of this section is also a per se violation of chapter 19.86 RCW and is considered a deceptive practice. The department of licensing, the Washington state patrol, the attorney general's office, and the department of revenue shall cooperate in the enforcement of this section. A distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter. Nothing in this chapter prohibits financial institutions from cooperating with vehicle dealers licensed under this chapter in dealer sales or leases. However, financial institutions shall not broker vehicles and cooperation is limited to organizing, promoting, and financing of such dealer sales or leases.

[1993 c 307 § 4; 1988 c 287 § 2; 1986 c 241 § 3; 1973 1st ex.s. c 132 § 3; 1967 ex.s. c 74 § 4.]

RCW 46.70.023 Place of business.

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. The business of a vehicle dealer must be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. A vehicle dealer may display a vehicle for sale only at its established place of business, licensed subagency, or temporary subagency site, except at auction. The dealer shall

keep the building open to the public so that the public may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house may not be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. A state-wide trade association representing manufactured housing dealers shall be permitted to use a manufactured home as an office if the office complies with all other applicable building code, zoning, and other land-use regulatory ordinances. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that subagency records may be kept at the principal place of business designated by the dealer. Auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a

telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(11) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(12) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

[1997 c 432 § 1; 1996 c 282 § 1; 1995 c 7 § 1; 1993 c 307 § 5; 1991 c 339 § 28; 1989 c 301 § 2; 1986 c 241 § 4.]

RCW 46.70.025 Established place of business--Waiver of requirements.

The director may by rule waive any requirements pertaining to a vehicle dealer's established place of business if such waiver both serves the purposes of this chapter and is necessary due to unique circumstances such as a location divided by a public street or a highly specialized type of business.

[1986 c 199 § 1.]

RCW 46.70.027 Accountability of dealer for employees--Actions for damages on violation of chapter.

A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from a wholesale dealer, who has suffered a loss or damage by reason of any act by a

dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070. However, under this section, motor vehicle dealers who have purchased from wholesale dealers may only institute actions against wholesale dealers and their surety bonds.

[1989 c 337 § 12; 1986 c 241 § 5.]

RCW 46.70.028 Consignment.

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of chapter 46.70 RCW. The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale. However, in the case of a consignment from a licensed vehicle dealer from any state, the wholesale auto auction shall pay the consignor within twenty days.

[2000 c 131 § 2; 1989 c 337 § 13.]

Notes:

Severability--2000 c 131: See note following RCW 46.70.115.

RCW 46.70.029 Listing dealers, transaction of business.

Listing dealers shall transact dealer business by obtaining a listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. Where title has been delivered to the purchaser, the listing dealer shall pay the amount due a seller within ten days after the sale of a listed mobile home. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed. The sale of listed mobile homes imposes the same duty under RCW 46.70.122 on the listing dealer as any other sale.

[2001 c 64 § 8; 1990 c 250 § 63; 1986 c 241 § 6.]

NOTES:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.70.031 Application for license--Form.

A vehicle dealer or vehicle manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe.

[1986 c 241 § 7; 1973 1st ex.s. c 132 § 4; 1967 ex.s. c 74 § 5.]

RCW 46.70.041 Application for license--Contents.

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) A certificate by a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established;

(j) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his or her established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, to advertise, or to broker new or current-model vehicles with factory or distributor warranties;

(k) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing, auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

(l) Effective July 1, 2002, a certificate from the provider of each education program or test showing that the applicant has completed the education programs and passed the test required under RCW 46.70.079 if the applicant is a dealer subject to the education and test

requirements;

(m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

[2001 c 272 § 3. Prior: 1993 c 307 § 6; 1993 c 175 § 2; 1990 c 250 § 64; 1986 c 241 § 8; 1979 c 158 § 187; 1977 ex.s. c 125 § 2; 1973 1st ex.s. c 132 § 5; 1971 ex.s. c 74 § 1; 1969 ex.s. c 63 § 2; 1967 ex.s. c 74 § 6.]

NOTES:

Severability--1990 c 250: See note following RCW 46.16.301.

Requirements of "established place of business": RCW 46.70.023.

RCW 46.70.042 Application for license--Retention by department--Confidentiality.

Every application for license shall be retained by the department for a period of three years and shall be confidential information for the use of the department, the attorney general or the prosecuting attorney only: PROVIDED, That upon a showing of good cause therefor any court in which an action is pending by or against the applicant or licensee, may order the director to produce and permit the inspection and copying or photographing the application and any accompanying statements.

[1967 ex.s. c 74 § 14.]

RCW 46.70.045 Denial of license.

The director may deny a license under this chapter when the application is a subterfuge that conceals the real person in interest whose license has been denied, suspended, or revoked for cause under this chapter and the terms have not been fulfilled or a civil penalty has not been paid, or the director finds that the application was not filed in good faith. This section does not preclude the department from taking an action against a current licensee.

[1997 c 432 § 2.]

RCW 46.70.051 Issuance of license--Private party dissemination of vehicle data base.

(1) After the application has been filed, the fee paid, and bond posted, if required, the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

(3) At the time the department issues a vehicle dealer license, the department shall provide to the dealer a current, up-to-date vehicle dealer manual that may be provided electronically setting forth the various statutes and rules applicable to vehicle dealers. In addition, at the time any such license is renewed under RCW 46.70.083, the department shall provide the dealer with any updates or current revisions to the vehicle dealer manual. These updates or current revisions may be provided electronically.

(4) The department may contract with responsible private parties to provide them elements of the vehicle data base on a regular basis. The private parties may only disseminate this information to licensed vehicle dealers.

(a) Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide to the contracted private parties the following information:

(i) All vehicle and title data necessary to accurately disclose known title defects, brands, or flags and odometer discrepancies;

(ii) All registered and legal owner information necessary to determine true ownership of the vehicle and the existence of any recorded liens, including but not limited to liens of the department of social and health services or its successor; and

(iii) Any data in the department's possession necessary to calculate the motor vehicle excise tax, license, and registration fees including information necessary to determine the applicability of regional transit authority excise and use tax surcharges.

(b) The department may provide this information in any form the contracted private party and the department agree upon, but if the data is to be transmitted over the Internet or similar public network from the department to the contracted private party, it must be encrypted.

(c) The department shall give these contracted private parties advance written notice of any change in the information referred to in (a)(i), (ii), or (iii) of this subsection, including information pertaining to the calculation of motor vehicle excise taxes.

(d) The department shall revoke a contract made under this subsection (4) with a private party who disseminates information from the vehicle data base to anyone other than a licensed vehicle dealer. A private party who obtains information from the vehicle data base under a contract with the department and disseminates any of that information to anyone other than a

licensed vehicle dealer is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(e) Nothing in this subsection (4) authorizes a vehicle dealer or any other organization or entity not otherwise appointed as a vehicle licensing subagent under RCW 46.01.140 to perform any of the functions of a vehicle licensing subagent so appointed.

[2001 c 272 § 4; 1997 c 432 § 4; 1996 c 282 § 2; 1993 c 307 § 7; 1989 c 301 § 3; 1973 1st ex.s. c 132 § 6; 1971 ex.s. c 74 § 2; 1967 ex.s. c 74 § 7.]

RCW 46.70.061 Fees--Disposition.

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Five hundred dollars;

(b) Vehicle dealers, each subagency: Fifty dollars; temporary subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license classification issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in *RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

[1990 c 250 § 65; 1986 c 241 § 10; 1986 c 241 § 9; 1979 ex.s. c 251 § 1; 1973 1st ex.s. c 132 § 7; 1967 ex.s. c 74 § 13.]

NOTES:

***Reviser's note:** RCW 82.44.030 was repealed by 2000 1st sp.s. c 1 § 2.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective dates--1986 c 241: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except section 9 of this act shall take effect July 1, 1986, and section 10 of this act shall take effect July 1, 1987." [1986 c 241 § 28.]

RCW 46.70.070 Dealers--Bond required, exceptions--Actions--Cancellation of license.

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

- (a) Thirty thousand dollars for motor vehicle dealers;
- (b) Thirty thousand dollars for mobile home, park trailer, and travel trailer dealers;
- (c) Five thousand dollars for miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his or her business in conformity with the provisions of this chapter.

Any retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from, sold to, or otherwise transacted business with a wholesale dealer, who has suffered any loss or damage by reason of any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. However, under this section, motor vehicle dealers who have purchased from, sold to, or otherwise transacted business with wholesale dealers may only institute actions against wholesale dealers and their surety bonds. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

[2001 c 272 § 13; 1996 c 194 § 2; 1989 c 337 § 15; 1986 c 241 § 11; 1981 c 152 § 1; 1973 1st ex.s. c 132 § 8; 1971 ex.s. c 74 § 4; 1967 ex.s. c 74 § 27; 1961 c 239 § 1; 1961 c 12 § 46.70.070. Prior: 1959 c 166 § 19; 1951 c 150 § 8.]

RCW 46.70.075 Manufacturers--Bond required--Actions--Cancellation of license.

Before issuing a manufacturer license to a manufacturer of mobile homes or travel trailers, the department shall require the applicant to file with the department a surety bond in the amount of forty thousand dollars in the case of a mobile home manufacturer and twenty thousand dollars in the case of a travel trailer manufacturer, running to the state and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the manufacturer shall conduct his business in conformity with the provisions of this chapter and with all standards set by the state of Washington or the federal government pertaining to the construction or safety of such vehicles. Any retail purchaser or vehicle dealer who has suffered any loss or damage by reason of breach of warranty or by any act by a manufacturer which constitutes a violation of this chapter or a violation of any standards set by the state of Washington or the federal government pertaining to construction or safety of such vehicles has the right to institute an action for recovery against

such manufacturer and the surety upon such bond. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety the manufacturer license is automatically deemed canceled.

[1981 c 152 § 3; 1973 1st ex.s. c 132 § 9.]

RCW 46.70.079 Education requirements. (Effective July 1, 2002.)

(1) Except as provided in subsection (2) of this section, the following education requirements apply to an applicant for a vehicle dealer license under RCW 46.70.021:

(a) An applicant for a vehicle dealer license under RCW 46.70.021 must complete a minimum of eight hours of approved education programs described in subsection (3) of this section and pass a test prior to submitting an application for the license; and

(b) An applicant for a renewal of a vehicle dealer license under RCW 46.70.083 must complete a minimum of five hours per year in a licensing period of approved continuing education programs described in subsection (3) of this section prior to submitting an application for the renewal of the vehicle dealer license.

(2) The education and test requirements in subsection (1) of this section do not apply to an applicant for a vehicle dealer license under RCW 46.70.021 if the applicant is:

(a) A franchised dealer of new recreational vehicles;

(b) A nationally franchised or corporate-owned motor vehicle rental company;

(c) A dealer of manufactured dwellings;

(d) A national auction company that holds a vehicle dealer license and a wrecker license whose primary activity in this state is the sale or disposition of totaled vehicles; or

(e) A wholesale auto auction company that holds a vehicle dealer license.

(3) The education programs and test required in subsection (1) of this section shall be developed by motor vehicle industry organizations including, but not limited to, the state independent auto dealers association and the department of licensing.

(4) A new motor vehicle dealer, as defined under RCW 46.96.020, is deemed to have met the education and test requirements required for applicants for a vehicle dealer license under this section.

[2001 c 272 § 12.]

NOTES:

Effective date--2001 c 272 § 12: "Section 12 of this act takes effect July 1, 2002." [2001 c 272 § 14.]

RCW 46.70.083 Expiration of license--Renewal--Certification of established place of business.

The license of a vehicle dealer or a vehicle manufacturer expires on the date that is twelve consecutive months from the date of issuance. The license may be renewed by filing with the department prior to the expiration of the license, a renewal application containing such information as the department may require to indicate the number of vehicle sales transacted

during the past year, and any material change in the information contained in the original application. Failure by the dealer to comply is grounds for denial of the renewal application or dealer license plate renewal.

The dealer's established place of business shall be certified by a representative of the department at least once every thirty-six months, or more frequently as determined necessary by the department. The certification will verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply at any time is grounds for license suspension or revocation, denial of the renewal application, or monetary assessment.

[1993 c 307 § 8; 1991 c 140 § 2; 1990 c 250 § 66; 1986 c 241 § 12; 1985 c 109 § 1; 1973 1st ex.s. c 132 § 12; 1971 ex.s. c 74 § 6; 1967 ex.s. c 74 § 10.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.70.085 Licenses--Staggered renewal.

Notwithstanding any provision of law to the contrary, the director may extend or diminish licensing periods of dealers and manufacturers for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

[1990 c 250 § 67; 1985 c 109 § 2.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.70.090 License plates--Use.

(1) The department shall issue a vehicle dealer license plate which shall be attached to the rear of the vehicle only and which is capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) The department shall issue to a vehicle dealer up to three vehicle dealer license plates. After the third dealer plate is issued, the department shall limit the number of dealer plates to six percent of the vehicles sold during the preceding license period. For an original license the vehicle dealer license applicant shall estimate the first year's sales or leases. The director or director's designee may waive these dealer plate issuance restrictions for a vehicle dealer if the waiver both serves the purposes of this chapter and is essential to the continuation of the business. The director shall adopt rules to implement this waiver.

(3) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale or lease when operated by an individual holding a valid operator's license, if a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale or lease, and which are in fact available for

sale or lease by the firm when operated by an officer of the corporation, partnership, or proprietorship or by their spouses, or by an employee of the firm, if a card so identifying any such individual is carried in the vehicle at all times it is operated by such individual. Any such vehicle so operated may be used to transport the dealer's own tools, parts, and equipment of a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale or lease.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(4) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle if a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location if the requirements of RCW 46.44.170 and 46.44.175 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(5) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle may be demonstrated on a public highway unless the customer has an appropriate endorsement on his or her driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale, and which are in fact available for sale, by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full-time employee of the firm, if a card so identifying such individual is carried in the vehicle at all times it is operated by him or her.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and

from places of business of the dealer if such vehicle and such item are purchased or sold as one package.

(6) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) On vehicles being moved to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(7) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer or manufacturer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(e) Used on any new vehicle unless the vehicle dealer has provided the department a current service agreement with the manufacturer or distributor of that vehicle as provided in RCW 46.70.041(1)(k).

(8) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as the director deems appropriate.

[2001 c 272 § 5; 1994 c 262 § 10; 1992 c 222 § 2; 1991 c 140 § 1; 1983 c 3 § 123; 1981 c 152 § 4; 1973 1st ex.s. c 132 § 13; 1971 ex.s. c 74 § 7; 1969 ex.s. c 63 § 3; 1961 c 12 § 46.70.090. Prior: 1955 c 283 § 1; 1951 c 150 § 10.]

RCW 46.70.101 Denial, suspension, or revocation of licenses--Grounds.

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and

the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his or her application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Has knowingly, or with reason to know, provided the department with false information relating to the number of vehicle sales transacted during the past one year in order to obtain a vehicle dealer license plate;

(v) Does not have an established place of business as required in this chapter;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same, except for sales by wholesale motor vehicle auction dealers to franchise motor vehicle dealers of the same make licensed under Title 46 RCW or franchise motor vehicle dealers of the same make licensed by any other state;

(viii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(xi) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180;

(xii) Fails to have a current certificate or registration with the department of revenue.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which

he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser or owner a certificate of ownership to a vehicle which he or she has sold or leased;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles, except for sales by wholesale motor vehicle auction dealers to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW or motor vehicle dealers licensed by any other state;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means;

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with actual knowledge that:

(A) It has any of the following brands on the title: "SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or

(B) It has been declared totaled out by an insurance carrier and then rebuilt; or

(C) The vehicle title contains the specific comment that the vehicle is "rebuilt"; without clearly disclosing that brand or comment in writing.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his or her application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(e) Has purchased, sold, leased, disposed of, or has in his or her possession, any vehicle

which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale or for lease, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale or for lease unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold, leased, or distributed in this state or transferred into this state for resale or for lease by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

[2001 c 272 § 6; 1998 c 282 § 7; 1996 c 282 § 3; 1991 c 140 § 3; 1989 c 337 § 16; 1986 c 241 § 13; 1981 c 152 § 5; 1977 ex.s. c 125 § 3; 1973 1st ex.s. c 132 § 14; 1969 ex.s. c 63 § 4; 1967 ex.s. c 74 § 11.]

RCW 46.70.102 Denial, suspension, or revocation of licenses--Notice, hearing, procedure.

Upon the entry of the order under RCW 46.70.101 the director shall promptly notify the applicant or licensee that the order has been entered and of the reasons therefor and that if requested by the applicant or licensee within fifteen days after the receipt of the director's notification, the matter will be promptly set down for hearing pursuant to chapter 34.05 RCW. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, or his personal representative, after notice of and opportunity for hearing, may modify or vacate the order, or extend it until final determination. No final order may be entered under RCW 46.70.101 denying or revoking a license without appropriate prior notice to the applicant or licensee, opportunity for hearing, and written findings of fact and conclusions of law.

[1986 c 241 § 14; 1967 ex.s. c 74 § 12.]

RCW 46.70.111 Investigations or proceedings--Powers of director or designees--Penalty.

For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(1) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the director, or the officer designated by him, to produce documentary or other evidence touching the matter under investigation or in question. The failure to obey an order of the court may be punishable by contempt.

[1967 ex.s. c 74 § 15.]

RCW 46.70.115 Cease and desist orders--"Curbstoning," penalty.

(1) If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

(2) The director may levy and collect a civil penalty, in an amount not to exceed one thousand dollars for each violation, against a person found by the director to be curbstoning, as that term is defined in subsection (3) of this section. A person against whom a civil penalty has been imposed must receive reasonable notice and an opportunity for a hearing on the issue. The civil penalty is due ten days after issuance of a final order.

(3) For the purposes of subsection (2) of this section, "curbstoning" means a person or firm engaged in buying and offering for sale, or buying and selling, five or more vehicles that are each less than thirty years old in a twelve-month period without holding a vehicle dealer license. For the purpose of subsections (1) and (2) of this section, "curbstoning" does not include the sale of equipment or vehicles used in farming as defined in RCW 46.04.183 and sold by a farmer as defined in RCW 46.04.182.

[2000 c 131 § 1; 1986 c 241 § 15.]

Notes:

Severability--2000 c 131: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not

affected." [2000 c 131 § 3.]

RCW 46.70.120 Record of transactions.

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale or lease of all vehicles purchased, sold, or leased by him or her. The records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle;
- (3) The name and address of the person from whom purchased;
- (4) The name of the legal owner, if any;
- (5) The name and address of the purchaser or lessee;
- (6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;
- (7) The price paid for the vehicle and the method of payment;
- (8) The vehicle odometer disclosure statement given by the seller to the dealer, and the vehicle odometer disclosure statement given by the dealer to the purchaser or lessee;
- (9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;
- (10) Trust account records of receipts, deposits, and withdrawals;
- (11) All sale documents, which shall show the full name of dealer employees involved in the sale or lease; and
- (12) Any additional information the department may require. However, the department may not require a dealer to collect or retain the hardback copy of a temporary license permit after the permanent license plates for a vehicle have been provided to the purchaser or lessee, if the dealer maintains some other copy of the temporary license permit together with a log of the permits issued.

Such records shall be maintained separate from all other business records of the dealer. Records older than two years may be kept at a location other than the dealer's place of business if those records are made available in hard copy for inspection within three calendar days, exclusive of Saturday, Sunday, or a legal holiday, after a request by the director or the director's authorized agent. Records kept at the vehicle dealer's place of business must be available for inspection by the director or the director's authorized agent during normal business hours.

Dealers may maintain their recordkeeping and filing systems in accordance with their own particular business needs and practices. Nothing in this chapter requires dealers to maintain their records in any particular order or manner, as long as the records identified in this section are maintained in the dealership's recordkeeping system.

[2001 c 272 § 7; 1996 c 282 § 4; 1990 c 238 § 7; 1986 c 241 § 16; 1973 1st ex.s. c 132 § 15; 1961 c 12 § 46.70.120. Prior: 1951 c 150 § 15.]

NOTES:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

Odometer disclosure statement: RCW 46.12.124.

RCW 46.70.122 Duty when purchaser or transferee is a dealer.

(1) If the purchaser or transferee is a dealer he or she shall, on selling, leasing, or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe.

(2) The assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale or lease, to which shall be attached the assigned certificates of ownership and license registration received by the dealer. The dealer shall mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration. The title certificate issued for a vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of the security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department. Failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

[2001 c 272 § 8; 1990 c 238 § 5; 1975 c 25 § 11; 1972 ex.s. c 99 § 3; 1967 c 140 § 2; 1961 c 12 § 46.12.120. Prior: 1959 c 166 § 10; prior: 1947 c 164 § 4(c); 1937 c 188 § 6(c); Rem. Supp. 1947 § 6312-6(c). Formerly RCW 46.12.120.]

NOTES:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.70.124 Evidence of ownership for dealers' used vehicles--Consignments.

Vehicle dealers shall possess a separate certificate of ownership or other evidence of ownership approved by the department for each used vehicle kept in the dealer's possession. Evidence of ownership shall be either in the name of the dealer or in the name of the dealer's immediate vendor properly assigned. In the case of consigned vehicles, the vehicle dealer may possess a completed consignment contract that includes a guaranteed title from the seller in lieu of the required certificate of ownership.

[1994 c 262 § 11; 1990 c 250 § 29; 1961 c 12 § 46.12.140. Prior: 1959 c 166 § 12; prior: 1947 c 164 § 4(e); 1937 c 188 § 6(e); Rem. Supp. 1947 § 6312-6(e). Formerly RCW 46.12.140.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.70.125 Used vehicles--Asking price, posting or disclosure.

A vehicle dealer who sells used vehicles shall either display on the vehicle, or disclose upon request, the written asking price of a specific vehicle offered for sale by the dealer as of that time.

A violation of this section is an unfair business practice under chapter 19.86 RCW, the Consumer Protection Act, and the provisions of chapter 46.70 RCW.

[1986 c 165 § 1.]

RCW 46.70.130 Details of charges must be furnished buyer or mortgagor.

(1) Before the execution of a contract or chattel mortgage or the consummation of the sale or lease of any vehicle, the seller must furnish the buyer or lessee an itemization in writing signed by the seller separately disclosing to the buyer or lessee the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer or lessee.

(2) Notwithstanding subsection (1) of this section, an itemization of the various license and title fees paid or to be paid by the buyer or lessee, which itemization must be the same as that disclosed on the registration/application for title document issued by the department, may be required only on the title application at the time the application is submitted for title transfer. A vehicle dealer may not be required to separately or individually itemize the license and title fees on any other document, including but not limited to the purchase order and lease agreement. No fee itemization may be required on the temporary permit.

[2001 c 272 § 9; 1996 c 282 § 5; 1973 1st ex.s. c 132 § 16; 1961 c 12 § 46.70.130. Prior: 1951 c 150 § 16.]

RCW 46.70.132 Manufactured home sale--Implied warranty.

(1) In addition to the requirements contained in RCW 46.70.135, each sale of a new manufactured home in this state is made with an implied warranty that the manufactured home conforms in all material aspects to applicable federal and state laws and regulations establishing standards of safety or quality, and with implied warranties of merchantability and fitness for a particular purpose as permanent housing in the climate of the state.

(2) The implied warranties contained in this section may not be waived, limited, or modified. Any provision that attempts to waive, limit, or modify the implied warranties contained in this section is void and unenforceable.

[1994 c 284 § 9.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 46.70.134 Manufactured home installation--Warranty, state installation code.

Any dealer, manufacturer, or contractor who installs a manufactured home warrants that the manufactured home is installed in accordance with the state installation code, chapter 296-150B WAC. The warranty contained in this section may not be waived, limited, or modified. Any provision attempting to waive, limit, or modify the warranty contained in this section is void and unenforceable. This section does not apply when the manufactured home is installed by the purchaser of the home.

[1994 c 284 § 10.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 46.70.135 Mobile homes--Warranties and inspections--Delivery--Occupancy--Advertising of dimensions.

Mobile home manufacturers and mobile home dealers who sell mobile homes to be assembled on site and used as residences in this state shall conform to the following requirements:

(1) No new manufactured home may be sold unless the purchaser is provided with a manufacturer's written warranty for construction of the home in compliance with the Magnuson-Moss Warranty Act (88 Stat. 2183; 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et seq.).

(2) No new manufactured home may be sold unless the purchaser is provided with a dealer's written warranty for all installation services performed by the dealer.

(3) The warranties required by subsections (1) and (2) of this section shall be valid for a minimum of one year measured from the date of delivery and shall not be invalidated by resale by the original purchaser to a subsequent purchaser or by the certificate of ownership being eliminated or not issued as described in chapter 65.20 RCW. Copies of the warranties shall be given to the purchaser upon signing a purchase agreement and shall include an explanation of remedies available to the purchaser under state and federal law for breach of warranty, the name and address of the federal department of housing and urban development and the state departments of licensing and labor and industries, and a brief description of the duties of these agencies concerning mobile homes.

(4) Warranty service shall be completed within forty-five days after the owner gives written notice of the defect unless there is a bona fide dispute between the parties. Warranty service for a defect affecting health or safety shall be completed within seventy-two hours of receipt of written notice. Warranty service shall be performed on site and a written work order describing labor performed and parts used shall be completed and signed by the service agent and the owner. If the owner's signature cannot be obtained, the reasons shall be described on the work order. Work orders shall be retained by the dealer or manufacturer for a period of three years.

(5) Before delivery of possession of the home to the purchaser, an inspection shall be performed by the dealer or his or her agent and by the purchaser or his or her agent which shall include a test of all systems of the home to insure proper operation, unless such systems test is delayed pursuant to this subsection. At the time of the inspection, the purchaser shall be given copies of all documents required by state or federal agencies to be supplied by the manufacturer with the home which have not previously been provided as required under subsection (3) of this section, and the dealer shall complete any required purchaser information card and forward the card to the manufacturer. A purchaser is deemed to have taken delivery of the manufactured home when all three of the following events have occurred: (a) The contractual obligations between the purchaser and the seller have been met; (b) the inspection of the home is completed;

and (c) the systems test of the home has been completed subsequent to the installation of the home, or fifteen days has elapsed since the transport of the home to the site where it will be installed, whichever is earlier. Occupancy of the manufactured home shall only occur after the systems test has occurred and all required utility connections have been approved after inspection.

(6) Manufacturer and dealer advertising which states the dimensions of a home shall not include the length of the draw bar assembly in a listed dimension, and shall state the square footage of the actual floor area.

[1994 c 284 § 11; 1989 c 343 § 22; 1981 c 304 § 36.]

NOTES:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

Severability--Effective date--1989 c 343: See RCW 65.20.940 and 65.20.950.

Severability--1981 c 304: See note following RCW 26.16.030.

Manufactured home installation and warranty service: RCW 43.22.440, 43.22.442.

Manufactured home safety and construction standards, inspections, etc.: RCW 43.22.431 through 43.22.434.

RCW 46.70.136 Manufactured homes--Warranty disputes.

The *department may mediate disputes that arise regarding any warranty required in chapter 46.70 RCW pertaining to the purchase or installation of a manufactured home. The department may charge reasonable fees for this service and shall deposit the moneys collected in accordance with RCW 43.63B.080.

[1994 c 284 § 12.]

Notes:

Reviser's note: *(1) "Department" refers to the department of community, trade, and economic development.

(2) This section, 1994 c 284 § 12, was directed to be codified in chapter 43.330 RCW. Since this placement appears inappropriate, this section has been codified as part of chapter 46.70 RCW.

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 46.70.137 Violations relating to mobile/manufactured homes.

See RCW 18.27.117.

**RCW 46.70.140 Handling "hot" vehicles--Unreported motor
"switches"--Unauthorized use of dealer plates--Penalty.**

Any vehicle dealer who knowingly or with reason to know, buys or receives, sells or disposes of, conceals or has in the dealer's possession, any vehicle from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who removes from or installs in any motor vehicle registered with the department by motor block number, a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any vehicle dealer who loans or permits the use of vehicle dealer license plates by any person not entitled to the use thereof, is guilty of a gross misdemeanor.

[1993 c 307 § 9; 1973 1st ex.s. c 132 § 17; 1971 ex.s. c 74 § 8; 1967 c 32 § 79; 1961 c 12 § 46.70.140. Prior: 1951 c 150 § 11.]

RCW 46.70.160 Rules and regulations.

The director may make any reasonable rules and regulations not inconsistent with the provisions of chapter 46.70 RCW relating to the enforcement and proper operation thereof.

[1961 c 12 § 46.70.160. Prior: 1959 c 166 § 21.]

RCW 46.70.170 Penalty for violations.

It is a misdemeanor for any person to violate any of the provisions of this chapter, except where expressly provided otherwise, and the rules adopted as provided under this chapter.

[1986 c 241 § 17; 1965 c 68 § 5.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.70.180 Unlawful acts and practices.

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that

vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer or lessee of a vehicle a written order or offer to purchase or lease, or a contract document signed by the buyer or lessee, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee, either (i) to deliver to the buyer or lessee the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment or security made or given by the buyer or lessee, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

[2001 c 272 § 10; 2001 c 64 § 9; 1999 c 398 § 10; 1997 c 153 § 1; 1996 c 194 § 3; 1995 c 256 § 26; 1994 c 284 § 13; 1993 c 175 § 3; 1990 c 44 § 14; 1989 c 415 § 20; 1986 c 241 § 18; 1985 c 472 § 13; 1981 c 152 § 6; 1977 ex.s. c 125 § 4; 1973 1st ex.s. c 132 § 18; 1969 c 112 § 1; 1967 ex.s. c 74 § 16.]

NOTES:

Reviser's note: This section was amended by 2001 c 64 § 9 and by 2001 c 272 § 10, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

Severability--1990 c 44: See RCW 19.116.900.

Severability--1989 c 415: See RCW 46.96.900.

Severability--1985 c 472: See RCW 46.94.900.

Certificate of ownership--Failure to transfer within specified time: RCW 46.12.101.

Glass--Limited windows--Vehicle sale requirements: RCW 46.37.430.

Odometers--Disconnecting, resetting, turning back, replacing without notifying purchaser: RCW 46.37.540 through 46.37.570.

Tires--Vehicle sale requirements: RCW 46.37.425.

RCW 46.70.183 Notice of bankruptcy proceedings.

Any vehicle dealer or manufacturer, by or against whom a petition in bankruptcy has been filed, shall, within ten days of the filing, notify the department of the proceedings in bankruptcy, including the identity and location of the court in which the proceedings are pending.

[1981 c 152 § 7.]

RCW 46.70.190 Civil actions for violations--Injunctions--Claims under Federal Automobile Dealer Franchise Act--Time limitation.

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

If a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under RCW 46.96.040 or 46.96.050(3) or this section, the new motor vehicle dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under the federal Automobile Dealer Franchise Act, 15 U.S.C. Sections 1221 through 1225, but only to the extent that the damages recovered by or denied to the new motor vehicle dealer are the same as the damages being sought under the federal Automobile Dealer Franchise Act. Likewise, if a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under the federal Automobile Dealer Franchise Act, the dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under this chapter, but only to the extent that the damages recovered by or denied to the dealer are the same as the damages being sought under this chapter.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

[1989 c 415 § 21; 1986 c 241 § 19; 1973 1st ex.s. c 132 § 19; 1967 ex.s. c 74 § 21.]

Notes:

Severability--1989 c 415: See RCW 46.96.900.

RCW 46.70.220 Duties of attorney general and prosecuting attorneys to act on violations--Limitation of civil actions.

The director may refer such evidence as may be available concerning violations of this chapter or of any rule or order hereunder to the attorney general or the proper prosecuting attorney, who may in his discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice herein prohibited or declared unlawful: PROVIDED, That this chapter shall be considered in conjunction with chapter 9.04 RCW, 19.86 RCW and 63.14 RCW and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter: PROVIDED FURTHER, That any action to enforce a claim for civil damages under chapter 19.86 RCW shall be forever barred unless commenced within six years after the cause of action accrues.

[1967 ex.s. c 74 § 19.]

RCW 46.70.230 Duties of attorney general and prosecuting attorneys to act on violations--Assurance of compliance--Filing.

In the enforcement of this chapter, the attorney general and/or any said prosecuting attorney may accept an assurance of compliance with the provisions of this chapter from any person deemed in violation hereof. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county.

[1967 ex.s. c 74 § 20.]

RCW 46.70.240 Penalties--Jurisdiction.

Any person who violates the terms of any court order, or temporary or permanent injunction issued pursuant to this chapter, shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general and/or the prosecuting attorney acting in the name of the state, or any person who pursuant to RCW 46.70.190 has secured the injunction violated, may petition for the recovery of civil penalties.

[1967 ex.s. c 74 § 22.]

RCW 46.70.250 Personal service of process outside state.

Personal service of any process in an action under this chapter may be made upon any person outside the state if such person has engaged in conduct in violation of this chapter which has had the impact in this state which this chapter reprehends. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185.

[1967 ex.s. c 74 § 23.]

RCW 46.70.260 Application of chapter to existing and future franchises and contracts.

The provisions of this chapter shall be applicable to all franchises and contracts existing between vehicle dealers and manufacturers or factory branches and to all future franchises and contracts.

[1986 c 241 § 22; 1967 ex.s. c 74 § 24.]

RCW 46.70.270 Provisions of chapter cumulative--Violation of RCW 46.70.180 deemed civil.

The provisions of this chapter shall be cumulative to existing laws: PROVIDED, That the violation of RCW 46.70.180 shall be construed as exclusively civil and not penal in nature.

[1967 ex.s. c 74 § 25.]

RCW 46.70.290 Mobile homes and persons engaged in distribution and sale.

The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles.

[1993 c 307 § 10; 1971 ex.s. c 231 § 23.]

Notes:

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.70.300 Chapter exclusive--Local business and occupation tax not prevented.

(1) The provisions of this chapter relating to the licensing and regulation of vehicle dealers and manufacturers shall be exclusive, and no county, city, or other political subdivision of this state shall enact any laws, rules, or regulations licensing or regulating vehicle dealers or manufacturers.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business and occupation tax upon vehicle dealers or manufacturers maintaining an office within that political subdivision if a business and occupation tax is levied by such a political subdivision upon other types of businesses within its boundaries.

[1993 c 307 § 11; 1981 c 152 § 2.]

RCW 46.70.310 Consumer Protection Act.

Any violation of this chapter is deemed to affect the public interest and constitutes a violation of chapter 19.86 RCW.

[1986 c 241 § 23.]

RCW 46.70.320 Buyer's agents.

The regulation of buyers' agents is a matter affecting the public interest for the purpose of applying chapter 19.86 RCW. Activities of buyers' agents prohibited under RCW 46.70.180 (11), (12), or (13) are not reasonable in relation to the development and preservation of business. A violation of RCW 46.70.180 (11), (12), or (13) constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

[1993 c 175 § 4.]

RCW 46.70.330 Wholesale motor vehicle auction dealers.

(1) A wholesale motor vehicle auction dealer may:

(a) Sell any classification of motor vehicle;

(b) Sell only to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state; or

(c) Sell a motor vehicle belonging to the United States government, the state of Washington, or a political subdivision to nonlicensed persons as may be required by the contracting public agency. However, a publicly owned "wrecked vehicle" as defined in RCW 46.80.010 may be sold to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state.

(2) If the wholesale motor vehicle auction dealer knows that a vehicle is a "wrecked vehicle" as defined by RCW 46.80.010, the dealer must disclose this fact on the bill of sale.

[1998 c 282 § 2.]

RCW 46.70.900 Liberal construction.

All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, lease, barter, or disposition of vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, leasing, bartering, or otherwise dealing in vehicles in this state and reliable persons may be encouraged to engage in the business of selling, leasing, bartering and otherwise dealing in vehicles in this state: PROVIDED, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character.

[2001 c 272 § 11; 1973 1st ex.s. c 132 § 20; 1967 ex.s. c 74 § 2.]

RCW 46.70.910 Severability--1967 ex.s. c 74.

If any provision of this amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

[1967 ex.s. c 74 § 28.]

RCW 46.70.920 Severability--1973 1st ex.s. c 132.

If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1973 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

[1973 1st ex.s. c 132 § 21.]

**Chapter 46.71 RCW
AUTOMOTIVE REPAIR**

Sections

| | |
|-----------|---|
| 46.71.005 | Legislative recognition. |
| 46.71.011 | Definitions. |
| 46.71.015 | Estimates--Invoices--Recordkeeping requirements. |
| 46.71.021 | Disposition of replaced parts. |
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| 46.71.031 | Required signs. |
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| 46.71.070 | Consumer Protection Act--Defense. |
| 46.71.080 | Notice of chapter to vehicle owners. |
| 46.71.090 | Notice of chapter to repair facilities. |

Notes:

Vehicle warranties (Lemon law): Chapter 19.118 RCW.

RCW 46.71.005 Legislative recognition.

The automotive repair industry supports good communication between auto repair facilities and their customers. The legislature recognizes that improved communications and accurate representations between automotive repair facilities and the customers will: Increase consumer confidence; reduce the likelihood of disputes arising; clarify repair facility lien interests; and promote fair and nondeceptive practices, thereby enhancing the safety and reliability of motor vehicles serviced by auto repair facilities in the state of Washington.

[1993 c 424 § 1.]

Notes:

Severability--1993 c 424: "If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to persons and circumstances shall not be affected thereby." [1993 c 424 § 15.]

Effective date--1993 c 424: "This act shall take effect January 1, 1994." [1993 c 424 § 18.]

RCW 46.71.011 Definitions.

For purposes of this chapter:

(1) An "aftermarket body part" or "nonoriginal equipment manufacturer body part" is an exterior body panel or nonstructural body component manufactured by someone other than the original equipment manufacturer and supplied through suppliers other than those in the manufacturer's normal distribution channels.

(2) "Automotive repair" includes but is not limited to:

(a) All repairs to vehicles subject to chapter 46.16 RCW that are commonly performed in a repair facility by a motor vehicle technician including the diagnosis, installation, exchange, or repair of mechanical or electrical parts or units for any vehicle, the performance of any electrical or mechanical adjustment to any vehicle, or the performance of any service work required for routine maintenance or repair of any vehicle. However, commercial fleet repair or maintenance transactions involving two or more vehicles or ongoing service or maintenance contracts involving vehicles used primarily for business purposes are not included;

(b) All work in facilities that perform one or more specialties within the automotive repair service industry including, but not limited to, body collision repair, refinishing, brake, electrical, exhaust repair or installation, frame, unibody, front-end, radiators, tires, transmission, tune-up, and windshield; and

(c) The removal, replacement, or repair of exterior body panels, the removal, replacement, or repair of structural and nonstructural body components, the removal, replacement, or repair of collision damaged suspension components, and the refinishing of automotive components.

(3) "Automotive repair facility" or "repair facility" means any person, firm, association, or corporation who for compensation engages in the business of automotive repair or diagnosis, or both, of malfunctions of motor vehicles subject to licensure under chapter 46.16 RCW and repair and refinishing auto-body collision damage as well as overall refinishing and cosmetic repairs.

(4) A "rebuilt" part consists of a used assembly that has been dismantled and inspected with only the defective parts being replaced.

(5) A "remanufactured" part consists of a used assembly that has been dismantled with the core parts being remachined and all other parts replaced with new parts so as to provide performance comparable to that found originally.

[1993 c 424 § 2.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.015 Estimates--Invoices--Recordkeeping requirements.

(1) Except as otherwise provided in RCW 46.71.025, all estimates that exceed one hundred dollars shall be in writing and include the following information: The date; the name, address, and telephone number of the repair facility; the name, address, and telephone number, if available, of the customer or the customer's designee; if the vehicle is delivered for repair, the year, make, and model of the vehicle, the vehicle license plate number or last eight digits of the vehicle identification number, and the odometer reading of the vehicle; a description of the problem reported by the customer or the specific repairs requested by the customer; and a choice of alternatives described in RCW 46.71.025.

(2) Whether or not a written estimate is required, parts and labor provided by an automotive repair facility shall be clearly and accurately recorded in writing on an invoice and shall include, in addition to the information listed in subsection (1) of this section, the following information: A description of the repair or maintenance services performed on the vehicle; a list of all parts supplied, identified by name and part number, if available, part kit description or recognized package or shop supplies, if any, and an indication whether the parts supplied are rebuilt, or used, if applicable or where collision repair is involved, aftermarket body parts or nonoriginal equipment manufacturer body parts, if applicable; the price per part charged, if any, and the total amount charged for all parts; the total amount charged for all labor, if any; and the total charge. Parts and labor do not need to be separately disclosed if pricing is expressed as an advertised special by the job, a prediscovered written repair menu item, or a routine service package.

(3) Notwithstanding subsection (2) of this section, if the repair work is performed under warranty or without charge to the customer, other than an applicable deductible, the repair facility shall provide either an itemized list of the parts supplied, or describe the service performed on the vehicle, but the repair facility is not required to provide any pricing information for parts or labor.

(4) A copy of the estimate, unless waived, shall be provided to the customer or customer's designee prior to providing parts or labor as required under RCW 46.71.025. A copy of the invoice shall be provided to the customer upon completion of the repairs.

(5) Only material omissions, under this section, are actionable in a court of law or equity.

[1993 c 424 § 3.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.021 Disposition of replaced parts.

Except for parts covered by a manufacturer's or other warranty or parts that must be returned to a distributor, remanufacturer, or rebuilder, the repair facility shall return replaced parts to the customer at the time the work is completed if the customer requested the parts at the time of authorization of the repair. If a customer at the time of authorization of the repair requests the return of a part that must be returned to the manufacturer, remanufacturer,

distributor, recycler, or rebuilder, or must be disposed of as required by law, the repair facility shall offer to show the part to the customer. The repair facility need not show a replaced part if no charge is being made for the replacement part.

[1993 c 424 § 4.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.025 Estimate required--Alternatives--Authorization to exceed.

(1) Except as provided in subsection (3) of this section, a repair facility prior to providing parts or labor shall provide the customer or the customer's designee with a written price estimate of the total cost of the repair, including parts and labor, or where collision repair is involved, aftermarket body parts or nonoriginal equipment manufacturer body parts, if applicable, or offer the following alternatives:

"YOU ARE ENTITLED TO A WRITTEN PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. YOU ARE ALSO ENTITLED TO REQUIRE THE REPAIR FACILITY TO OBTAIN YOUR ORAL OR WRITTEN AUTHORIZATION TO EXCEED THE WRITTEN PRICE ESTIMATE. YOUR SIGNATURE OR INITIALS WILL INDICATE YOUR SELECTION.

1. I request an estimate in writing before you begin repairs. Contact me if the price will exceed this estimate by more than ten percent.
2. Proceed with repairs but contact me if the price will exceed \$.
3. I do not want a written estimate.

..... (Initial or signature)
Date: Time: "

(2) The repair facility may not charge the customer more than one hundred ten percent, exclusive of retail sales tax, of the total shown on the written price estimate. Neither of these limitations apply if, before providing additional parts or labor the repair facility obtains either the oral or written authorization of the customer, or the customer's designee, to exceed the written price estimate. The repair facility or its representative shall note on the estimate the date and time of obtaining an oral authorization, the additional parts and labor required, the estimated cost of the additional parts and labor, or where collision repair is involved, aftermarket body parts or nonoriginal equipment manufacturer body parts, if applicable, the name or identification number of the employee who obtains the authorization, and the name and telephone number of the person authorizing the additional costs.

(3) A written estimate shall not be required when the customer's motor vehicle or component has been brought to an automotive repair facility's regular place of business without face-to-face contact between the customer and the repair facility. Face-to-face contact means actual in-person discussion between the customer or his or her designee and the agent or employee of the automotive repair facility authorized to intake vehicles or components. However, prior to providing parts and labor, the repair facility must obtain either the oral or written authorization of the customer or the customer's designee. The repair facility or its representative shall note on the estimate or repair order the date and time of obtaining an oral authorization, the total amount authorized, the name or identification number of the employee who obtains the authorization, and the name of the person authorizing the repairs.

[1993 c 424 § 5.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.031 Required signs.

An automotive repair facility shall post in a prominent place on the business premises one or more signs, readily visible to customers, in the following form:

"YOUR CUSTOMER RIGHTS
YOU ARE ENTITLED BY LAW TO:

1. A WRITTEN ESTIMATE FOR REPAIRS WHICH WILL COST MORE THAN ONE HUNDRED DOLLARS, UNLESS WAIVED OR ABSENT FACE-TO-FACE CONTACT (SEE ITEM 4 BELOW);
2. RETURN OR INSPECTION OF ALL REPLACED PARTS, IF REQUESTED AT TIME OF REPAIR AUTHORIZATION;
3. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS WHICH EXCEED THE ESTIMATED TOTAL PRESALES TAX COST BY MORE THAN TEN PERCENT;
4. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR VEHICLE IS LEFT WITH THE REPAIR FACILITY WITHOUT FACE-TO-FACE CONTACT BETWEEN YOU AND THE REPAIR FACILITY PERSONNEL.

IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE WITH THE ABOVE INFORMATION YOU ARE REQUIRED TO PAY FOR THE COSTS OF THE REPAIR PRIOR TO TAKING THE VEHICLE FROM THE PREMISES."

The first line of each sign shall be in letters not less than one and one-half inch in height and the remaining lines shall be in letters not less than one-half inch in height.

[1993 c 424 § 6.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.035 Failure to comply with estimate requirements.

An automotive repair facility that fails to comply with the estimate requirements of RCW 46.71.025 is barred from recovering in an action to recover for automotive repairs any amount in excess of one hundred ten percent of the amount authorized by the customer, or the customer's designee, unless the repair facility proves by a preponderance of the evidence that its conduct was reasonable, necessary, and justified under the circumstances. In an action to recover for automotive repairs the prevailing party may, at the discretion of the court, recover the costs of the action and reasonable attorneys' fees.

[1993 c 424 § 7.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.041 Liens barred for failure to comply.

A repair facility that fails to comply with RCW 46.71.021, 46.71.025, or 46.71.031 is barred from asserting a possessory or chattel lien for the amount of the unauthorized parts or labor upon the motor vehicle or component.

[1993 c 424 § 8.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.045 Unlawful acts or practices.

Each of the following acts or practices are unlawful:

(1) Advertising that is false, deceptive, or misleading. A single or isolated media mistake does not constitute a false, deceptive, or misleading statement or misrepresentation under this section;

(2) Materially understating or misstating the estimated price for a specified repair procedure;

(3) Retaining payment from a customer for parts not delivered or installed or a labor operation or repair procedure that has not actually been performed;

(4) Unauthorized operation of a customer's vehicle for purposes not related to repair or diagnosis;

(5) Failing or refusing to provide a customer, upon request, a copy, at no charge, of any document signed by the customer;

(6) Retaining duplicative payment from both the customer and the warranty or extended service contract provider for the same covered component, part, or labor;

(7) Charging a customer for unnecessary repairs. For purposes of this subsection "unnecessary repairs" means those for which there is no reasonable basis for performing the service. A reasonable basis includes, but is not limited to: (a) That the repair service is consistent with specifications established by law or the manufacturer of the motor vehicle, component, or part; (b) that the repair is in accordance with accepted industry standards; or (c) that the repair was performed at the specific request of the customer.

[1993 c 424 § 9.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.051 Copy of warranty.

The repair facility shall make available, upon request, a copy of any express warranty provided by the repair facility to the customer that covers repairs performed on the vehicle.

[1993 c 424 § 10.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.060 Retention of price estimates and invoices.

Every automotive repair facility shall retain and make available for inspection, upon request by the customer or the customer's authorized representative, true copies of the written price estimates and invoices required under this chapter for at least one year after the date on which the repairs were performed.

[1993 c 424 § 11; 1982 c 62 § 7; 1977 ex.s. c 280 § 6.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.070 Consumer Protection Act--Defense.

The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. In an action under chapter 19.86 RCW due to an automotive

repair facility's charging a customer an amount in excess of one hundred ten percent of the amount authorized by the customer, a violation shall not be found if the automotive repair facility proves by a preponderance of the evidence that its conduct was reasonable, necessary, and justified under the circumstances.

Notwithstanding RCW 46.64.050, no violation of this chapter shall give rise to criminal liability under that section.

[1993 c 424 § 12; 1982 c 62 § 9; 1977 ex.s. c 280 § 7.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.080 Notice of chapter to vehicle owners.

Whenever a vehicle license renewal form under RCW 46.16.210 is given to the registered owner of any vehicle, the department of licensing shall give to the owner written notice of the provisions of this chapter in a manner prescribed by the director of licensing.

[1982 c 62 § 10.]

RCW 46.71.090 Notice of chapter to repair facilities.

When the department of revenue issues a registration certificate under RCW 82.32.030 to an automotive repair facility, it shall give written notice to the person of the requirements of this chapter in a manner prescribed by the director of revenue. The department of revenue shall thereafter give the notice on an annual basis in conjunction with the business and occupation tax return provided to each person holding a registration certificate as an automotive repair facility.

[1993 c 424 § 13; 1982 c 62 § 11.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

**Chapter 46.72 RCW
TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES**

Sections

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| 46.72.010 | Definitions. |
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| 46.72.110 | Fees to highway safety fund. |
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| 46.72.140 | Nonresident taxicabs--Permit required for entry. |
| 46.72.150 | Nonresident taxicabs--Reciprocity. |
| 46.72.160 | Local regulation. |
| 46.72.170 | Joint regulation. |

Notes:

Age of drivers of for hire vehicles: RCW 46.20.045.

Taxicab companies, local regulation: Chapter 81.72 RCW.

RCW 46.72.001 Finding and intent.

The legislature finds and declares that privately operated for hire transportation service is a vital part of the transportation system within the state. Consequently, the safety, reliability, and stability of privately operated for hire transportation services are matters of state-wide importance. The regulation of privately operated for hire transportation services is thus an essential governmental function. Therefore, it is the intent of the legislature to permit political subdivisions of the state to regulate for hire transportation services without liability under federal antitrust laws.

[1996 c 87 § 17.]

RCW 46.72.010 Definitions.

When used in this chapter:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages, school buses operating exclusively under a contract to a school district, ride-sharing vehicles under chapter 46.74 RCW, limousine carriers licensed under chapter 46.72A RCW, vehicles used by nonprofit transportation providers for elderly or handicapped persons and their attendants under chapter 81.66 RCW, vehicles used by auto transportation companies licensed under chapter 81.68 RCW, vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices, and vehicles used by charter party carriers of passengers and excursion service carriers licensed under chapter 81.70 RCW;

(2) The term "for hire operator" means and includes any person, concern, or entity engaged in the transportation of passengers for compensation in for hire vehicles.

[1996 c 87 § 18; 1991 c 99 § 1; 1979 c 111 § 14; 1961 c 12 § 46.72.010. Prior: 1947 c 253 § 1; Rem. Supp. 1947 § 6386-1. Formerly RCW 81.72.010.]

Notes:

Severability--1979 c 111: See note following RCW 46.74.010.

RCW 46.72.020 Permit required--Form of application.

No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of licensing, except for those for hire operators regulated by cities or counties in accordance with chapter 81.72 RCW. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director may require.

[1992 c 114 § 1; 1979 c 158 § 188; 1967 c 32 § 80; 1961 c 12 § 46.72.020. Prior: 1947 c 253 § 2; Rem. Supp. 1947 § 6386-2; prior: 1915 c 57 § 1; RRS § 6382. Formerly RCW 81.72.020.]

RCW 46.72.030 Permit fee--Issuance--Display.

Application for a permit shall be forwarded to the director with a fee. Upon receipt of such application and fee, the director shall, if such application be in proper form, issue a permit authorizing the applicant to operate for hire vehicles upon the highways of this state until such owner ceases to do business as such, or until the permit is suspended or revoked. Such permit shall be displayed in a conspicuous place in the principal place of business of the owner.

[1992 c 114 § 2; 1967 c 32 § 81; 1961 c 12 § 46.72.030. Prior: 1947 c 253 § 3; Rem. Supp. 1947 § 6386-3; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81.72.030.]

RCW 46.72.040 Surety bond.

Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him and used in the conduct of his business as a for hire operator. Such bond shall be in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state.

[1973 c 15 § 1; 1967 c 32 § 82; 1961 c 12 § 46.72.040. Prior: 1947 c 253 § 4; Rem. Supp. 1947 § 6386-4; prior:

1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81.72.040.]

RCW 46.72.050 Liability coverage--Right of action saved.

In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond, specified under the provisions of RCW 46.72.040. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined.

[1973 c 15 § 2; 1967 c 32 § 83; 1961 c 12 § 46.72.050. Prior: 1947 c 253 § 5; Rem. Supp. 1947 § 6386-5. Formerly RCW 81.72.050.]

RCW 46.72.060 Right of action--Limitation of recovery.

Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages or wrongful death caused by any careless, negligent or unlawful act of any such person, firm, or corporation or his, their, or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers over and along any public street, road or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond.

[1961 c 12 § 46.72.060. Prior: 1947 c 253 § 6; Rem. Supp. 1947 § 6386-6; prior: 1929 c 27 § 1; 1927 c 161 § 1; 1915 c 57 § 3; RRS § 6384. Formerly RCW 81.72.060.]

RCW 46.72.070 Certificate--Fee.

The director shall approve and file all bonds and policies of insurance. The director shall, upon receipt of fees and after approving the bond or policy, furnish the owner with an appropriate certificate which must be carried in a conspicuous place in the vehicle at all times during for hire operation. A for hire operator shall secure a certificate for each for hire vehicle operated and pay therefor a fee for each vehicle so registered. Such permit or certificate shall expire on June 30th of each year, and may be annually renewed upon payment of a fee.

[1992 c 114 § 3; 1967 c 32 § 84; 1961 c 12 § 46.72.070. Prior: 1947 c 253 § 7; Rem. Supp. 1947 § 6386-7. Formerly RCW 81.72.070.]

RCW 46.72.080 Substitution of security--New certificate.

In the event the owner substitutes a policy or bond after a for hire certificate has been issued, a new certificate shall be issued to the owner. The owner shall submit the substituted bond or policy to the director for approval, together with a fee. If the director approves the substituted policy or bond, a new certificate shall be issued. In the event any certificate has been lost, destroyed or stolen, a duplicate thereof may be obtained by filing an affidavit of loss and paying a fee.

[1992 c 114 § 4; 1967 c 32 § 85; 1961 c 12 § 46.72.080. Prior: 1947 c 253 § 8; Rem. Supp. 1947 § 6386-8. Formerly RCW 81.72.080.]

RCW 46.72.100 Refusal, suspension, or revocation of permit or certificate--Penalty for unlawful operation.

The director may refuse to issue a permit or certificate, or he may suspend or revoke a permit or certificate if he has good reason to believe that one of the following is true of the operator or the applicant for a permit or certificate: (1) He has been convicted of an offense of such a nature as to indicate that he is unfit to hold a certificate or permit; (2) he is guilty of committing two or more offenses for which mandatory revocation of driver's license is provided by law; (3) he has been convicted of vehicular homicide or vehicular assault; (4) he is intemperate or addicted to the use of narcotics.

Notice of the director to refuse, suspend, or revoke the permit or certificate shall be given by certified mail to the holder or applicant for the permit or certificate and shall designate a time and place for a hearing before the director, which shall not be less than ten days from the date of the notice. If the director, after the hearing, decides that a permit shall be canceled or revoked, he shall notify the holder or applicant to that effect by certified mail. The applicant or permit holder may within thirty days from the date of the decision appeal to the superior court of Thurston county for a review of the decision by filing a copy of the notice with the clerk of the superior court and a copy of the notice in the office of the director. The court shall set the matter down for hearing with the least possible delay.

Any for hire operator who operates a for hire vehicle without first having filed a bond or insurance policy and having received a for hire permit and a for hire certificate as required by this chapter is guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment in jail for a period not exceeding ninety days or a fine of not exceeding five hundred dollars, or both fine and imprisonment.

[1983 c 164 § 8; 1967 c 32 § 86; 1961 c 12 § 46.72.100. Prior: 1947 c 253 § 9; Rem. Supp. 1947 § 6386-9; prior: 1915 c 57 § 4; RRS § 6385. Formerly RCW 81.72.100.]

Notes:

Rules of court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.72.110 Fees to highway safety fund.

All fees received by the director under the provisions of this chapter shall be transmitted by him, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund.

[1967 c 32 § 87; 1961 c 12 § 46.72.110. Prior: 1947 c 253 § 10; Rem. Supp. 1947 § 6386-10. Formerly RCW 81.72.110.]

RCW 46.72.120 Rules.

The director is empowered to make and enforce such rules and regulations, including the setting of fees, as may be consistent with and necessary to carry out the provisions of this chapter.

[1992 c 114 § 5; 1967 c 32 § 88; 1961 c 12 § 46.72.120. Prior: 1947 c 253 § 11; Rem. Supp. 1947 § 6386-11. Formerly RCW 81.72.120.]

RCW 46.72.130 Nonresident taxicabs--Permit--Fee--Compliance.

No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for hire operator in another state, shall cause the operation of a taxicab upon any highway of this state without first obtaining an annual permit from the director upon an application accompanied with an annual fee for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter.

[1992 c 114 § 6; 1967 c 32 § 89; 1961 c 12 § 46.72.130. Prior: 1953 c 12 § 1; 1951 c 219 § 1. Formerly RCW 81.72.130.]

RCW 46.72.140 Nonresident taxicabs--Permit required for entry.

All law enforcement officers shall refuse every taxicab entry into this state which does not have a certificate from the director on the vehicle.

[1967 c 32 § 90; 1961 c 12 § 46.72.140. Prior: 1951 c 219 § 2. Formerly RCW 81.72.140.]

RCW 46.72.150 Nonresident taxicabs--Reciprocity.

RCW 46.72.130 and 46.72.140 shall be inoperative to operators of taxicabs residing and licensed in any state which allows Washington operators of taxicabs to use such state's highways free from such regulations.

[1961 c 12 § 46.72.150. Prior: 1951 c 219 § 3. Formerly RCW 81.72.150.]

RCW 46.72.160 Local regulation.

Cities, counties, and port districts may license, control, and regulate all for hire vehicles operating within their respective jurisdictions. The power to regulate includes:

- (1) Regulating entry into the business of providing for hire vehicle transportation

services;

(2) Requiring a license to be purchased as a condition of operating a for hire vehicle and the right to revoke, cancel, or refuse to reissue a license for failure to comply with regulatory requirements;

(3) Controlling the rates charged for providing for hire vehicle transportation service and the manner in which rates are calculated and collected;

(4) Regulating the routes and operations of for hire vehicles, including restricting access to airports;

(5) Establishing safety and equipment requirements; and

(6) Any other requirements adopted to ensure safe and reliable for hire vehicle transportation service.

[1996 c 87 § 19.]

RCW 46.72.170 Joint regulation.

The department, a city, county, or port district may enter into cooperative agreements with any other city, town, county, or port district for the joint regulation of for hire vehicles. Cooperative agreements may provide for, but are not limited to, the granting, revocation, and suspension of joint for hire vehicle licenses.

[1996 c 87 § 20.]

**Chapter 46.72A RCW
LIMOUSINES**

Sections

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| 46.72A.030 | Regulation--Inspection. |
| 46.72A.040 | State preemption. |
| 46.72A.050 | Business license, vehicle certificates required. |
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| 46.72A.110 | Deposit of fees. |
| 46.72A.120 | Rules and fees. |
| 46.72A.130 | Continued operation of existing limousines. |

RCW 46.72A.010 Finding and intent.

The legislature finds and declares that privately operated limousine transportation service

is a vital part of the transportation system within the state and provides prearranged transportation services to state residents, tourists, and out-of-state business people. Consequently, the safety, reliability, and stability of privately operated limousine transportation services are matters of state-wide importance. The regulation of privately operated limousine transportation services is thus an essential governmental function. Therefore, it is the intent of the legislature to permit the department and a port district in a county with a population of one million or more to regulate limousine transportation services without liability under federal antitrust laws.

[1996 c 87 § 4.]

Notes:

Transfer of powers, duties, and functions--1996 c 87: "(1) All powers, duties, and functions of the utilities and transportation commission pertaining to the regulation of limousines and limousine charter party carriers are transferred to the department of licensing. All references to the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of licensing when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of licensing.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall, on June 6, 1996, be transferred and credited to the department of licensing.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

(4) The transfer of the powers, duties, and functions of the utilities and transportation commission shall not affect the validity of any act performed before June 6, 1996.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification." [1996 c 87 § 22.]

RCW 46.72A.020 Office required--Exception.

All limousine carriers must operate from a main office and may have satellite offices. However, no office may be solely in a vehicle of any type. All arrangements for the carrier's services must be made through its offices and dispatched to the carrier's vehicles. Under no circumstances may customers or customers' agents make arrangements for immediate rental of a carrier's vehicle with the driver of the vehicle, even if the driver is an owner or officer of the company, with the single exception of stand-hail limousines only at a facility owned and

operated by a port district in a county with a population of one million or more that are licensed and restricted by the rules and policies set forth by the port district.

[1996 c 87 § 5.]

RCW 46.72A.030 Regulation--Inspection.

(1) The department, in conjunction with the Washington state patrol, shall regulate limousine carriers with respect to entry, safety of equipment, chauffeur qualifications, and operations. The department shall adopt rules and require such reports as are necessary to carry out this chapter.

(2) In addition, a port district in a county with a population of one million or more may regulate limousine carriers with respect to entry, safety of equipment, chauffeur qualifications, and operations. The county in which the port district is located may adopt ordinances and rules to assist the port district in enforcement of limousine regulations only at port facilities. In no event may this be construed to grant the county the authority to regulate limousines within its jurisdiction. The port district may not set limousine rates, but the limousine carriers shall file their rates and schedules with the port district.

(3) The department, a port district in a county with a population of at least one million, or a county in which the port district is located may enter into cooperative agreements for the joint regulation of limousines.

(4) The Washington state patrol shall annually conduct a vehicle inspection of each limousine licensed under this chapter, except when a port district regulates limousine carriers under subsection (2) of this section, that port district or county in which the port [district] is located shall conduct the annual vehicle inspection. The patrol, the port district, or the county may impose an annual vehicle inspection fee.

[1996 c 87 § 6.]

RCW 46.72A.040 State preemption.

Except when a port district regulates limousine carriers under RCW 46.72A.030, the state of Washington fully occupies and preempts the entire field of regulation over limousine carriers as regulated by this chapter. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to limousine carriers that are consistent with this chapter.

[1996 c 87 § 7.]

RCW 46.72A.050 Business license, vehicle certificates required.

No limousine carrier may operate a limousine upon the highways of this state without first obtaining a business license from the department. The applicant shall forward an application for a business license to the department along with a fee established by rule. Upon approval of the application, the department shall issue a business license and unified business identifier

authorizing the carrier to operate limousines upon the highways of this state.

In addition, a limousine carrier shall annually obtain, upon payment of the appropriate fee, a vehicle certificate for each limousine operated by the carrier.

[1996 c 87 § 8.]

RCW 46.72A.060 Insurance--Amount--Penalty.

The department shall require limousine carriers to obtain and continue in effect, liability and property damage insurance from a company licensed to sell liability insurance in this state for each limousine used to transport persons for compensation.

The department shall fix the amount of the insurance policy or policies, giving consideration to the character and amount of traffic, the number of persons affected, and the degree of danger that the proposed operation involves. The limousine carrier must maintain the liability and property damage insurance in force on each motor-propelled vehicle while so used.

Failure to file and maintain in effect this insurance is a gross misdemeanor.

[1996 c 87 § 9.]

RCW 46.72A.070 Vehicle certificates--Issuance of new or duplicate certificate--Penalty.

If the limousine carrier substitutes a liability and property damage insurance policy after a vehicle certificate has been issued, a new vehicle certificate is required. The limousine carrier shall submit the substituted policy to the department for approval, together with a fee. If the department approves the substituted policy, the department shall issue a new vehicle certificate.

If a vehicle certificate has been lost, destroyed, or stolen, a duplicate vehicle certificate may be obtained by filing an affidavit of loss and paying a fee. A limousine carrier who operates a vehicle without first having received a vehicle certificate as required by this chapter is guilty of a misdemeanor on the first offense and a gross misdemeanor on a second or subsequent offense.

[1996 c 87 § 10.]

RCW 46.72A.080 Advertising--Penalty.

(1) No limousine carrier may advertise without listing the carrier's unified business identifier issued by the department in the advertisement and specifying the type of service offered as provided in RCW 46.04.274. No limousine carrier may advertise or hold itself out to the public as providing taxicab transportation services.

(2) All advertising, contracts, correspondence, cards, signs, posters, papers, and documents that show a limousine carrier's name or address shall list the carrier's unified business identifier and the type of service offered. The alphabetized listing of limousine carriers appearing in the advertising sections of telephone books or other directories and all advertising that shows the carrier's name or address must show the carrier's current unified business identifier.

(3) Advertising in the alphabetical listing in a telephone directory need not contain the

carrier's certified business identifier.

(4) Advertising by electronic transmission need not contain the carrier's unified business identifier if the carrier provides it to the person selling the advertisement and it is recorded in the advertising contract.

(5) It is a gross misdemeanor for a person to (a) falsify a unified business identifier or use a false or inaccurate unified business identifier; (b) fail to specify the type of service offered; or (c) advertise or otherwise hold itself out to the public as providing taxicab transportation services in connection with a solicitation or identification as an authorized limousine carrier.

[1997 c 193 § 1; 1996 c 87 § 11.]

RCW 46.72A.090 Chauffeurs--Criteria for.

The limousine carrier shall certify to the appropriate regulating authority that each chauffeur hired to operate a limousine meets the following criteria: (1) Is at least twenty-one years of age; (2) holds a valid Washington state driver's license; (3) has successfully completed a training course approved by the department; (4) has successfully passed a written examination; (5) has successfully completed a background check performed by the Washington state patrol; and (6) has submitted a medical certificate certifying the individual's fitness as a chauffeur. Upon initial application and every three years thereafter, a chauffeur must file a physician's certification with the limousine carrier validating the individual's fitness to drive a limousine. The department shall determine the scope of the examination. The director may require a chauffeur to be reexamined at any time.

The limousine carrier shall keep on file and make available for inspection all documents required by this section.

[1996 c 87 § 12.]

RCW 46.72A.100 Actions against license--Chauffeur.

The department may suspend, revoke, or refuse to issue a license if it has good reason to believe that one of the following is true of a chauffeur hired to drive a limousine: (1) The person has been convicted of an offense of such a nature as to indicate that he or she is unfit to qualify as a chauffeur; (2) the person is guilty of committing two or more offenses for which mandatory revocation of a driver's license is provided by law; (3) the person has been convicted of vehicular homicide or vehicular assault; (4) the person is intemperate or addicted to narcotics.

[1996 c 87 § 13.]

RCW 46.72A.110 Deposit of fees.

The department shall transmit all fees received under this chapter, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the master license fund.

[1996 c 87 § 14.]

RCW 46.72A.120 Rules and fees.

The department may adopt and enforce such rules, including the setting of fees, as may be consistent with and necessary to carry out this chapter. The fees must approximate the cost of administration.

[1996 c 87 § 15.]

RCW 46.72A.130 Continued operation of existing limousines.

A vehicle operated as a limousine under *chapter 81.90 RCW before April 1, 1996, may continue to operate as a limousine even though it may not meet the definition of limousine in RCW 46.04.274 as long as the owner is the same as the registered owner on April 1, 1996, and the vehicle and limousine carrier otherwise comply with this chapter.

[1996 c 87 § 16.]

Notes:

***Reviser's note:** Chapter 81.90 RCW was repealed by 1996 c 87 § 23.

**Chapter 46.73 RCW
PRIVATE CARRIER DRIVERS**

Sections

| | |
|-----------|---------------------------------------|
| 46.73.010 | Qualifications and hours of service. |
| 46.73.020 | Federal funds as necessary condition. |
| 46.73.030 | Penalty. |

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.73.010 Qualifications and hours of service.

The Washington state patrol may adopt rules establishing standards for qualifications and hours of service of drivers for private carriers as defined by RCW 81.80.010(6). Such standards shall correlate with and, as far as reasonable, conform to the regulations contained in Title 49 C.F.R., Chapter 3, Subchapter B, Parts 391 and 395, on July 28, 1985. At least thirty days before filing notice of the proposed rules with the code reviser, the state patrol shall submit them to the legislative transportation committee for review.

[1985 c 333 § 1.]

Notes:

Legislative transportation committee: Chapter 44.40 RCW.

RCW 46.73.020 Federal funds as necessary condition.

The delegation of rule-making authority contained in RCW 46.73.010 is conditioned upon the continued receipt of federal funds or grants for the support of state enforcement of such rules. Within ninety days of finding that federal funds or grants are withdrawn or not renewed, the Washington state patrol and the Washington utilities and transportation commission shall repeal any and all rules adopted under RCW 46.73.010.

[1985 c 333 § 2.]

RCW 46.73.030 Penalty.

A violation of any rule adopted by the Washington state patrol under RCW 46.73.010 is a traffic infraction.

[1985 c 333 § 3.]

**Chapter 46.74 RCW
RIDE SHARING**

Sections

| | |
|-----------|---------------------------------------|
| 46.74.010 | Definitions. |
| 46.74.020 | Exclusion from for hire vehicle laws. |
| 46.74.030 | Operators. |

Notes:

Acquisition and disposal of vehicle for commuter ride sharing by city employees: RCW 35.21.810.

Public utility tax exemption: RCW 82.16.047.

State-owned vehicles used for commuter ride sharing: RCW 43.41.130.

RCW 46.74.010 Definitions.

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Commuter ride sharing" means a car pool or van pool arrangement whereby one or more fixed groups not exceeding fifteen persons each including the drivers, and (a) not fewer than five persons including the drivers, or (b) not fewer than four persons including the drivers where at least two of those persons are confined to wheelchairs when riding, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, each group in a single daily round trip where the drivers are also on the way to or from their places of employment or

educational or other institution.

(2) "Flexible commuter ride sharing" means a car pool or van pool arrangement whereby a group of at least two but not exceeding fifteen persons including the driver is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, where the driver is also on the way to or from his or her place of employment or educational or other institution.

(3) "Ride sharing for persons with special transportation needs" means an arrangement whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider as defined in RCW 81.66.010(3) in a passenger motor vehicle as defined by the department to include small buses, cutaways, and modified vans not more than twenty-eight feet long: PROVIDED, That the driver need not be a person with special transportation needs.

(4) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of commuter ride sharing, flexible commuter ride sharing, or ride sharing for persons with special transportation needs. The term "ride-sharing operator" includes but is not limited to an employer, an employer's agent, an employer-organized association, a state agency, a county, a city, a public transportation benefit area, or any other political subdivision that owns or leases a ride-sharing vehicle.

(5) "Ride-sharing promotional activities" means those activities involved in forming a commuter ride-sharing arrangement or a flexible commuter ride-sharing arrangement, including but not limited to receiving information from existing and prospective ride-sharing participants, sharing that information with other existing and prospective ride-sharing participants, matching those persons with other existing or prospective ride-sharing participants, and making assignments of persons to ride-sharing arrangements.

(6) "Persons with special transportation needs" means those persons defined in RCW 81.66.010(4).

[1997 c 250 § 8; 1997 c 95 § 1; 1996 c 244 § 2; 1979 c 111 § 1.]

Notes:

Reviser's note: This section was amended by 1997 c 95 § 1 and by 1997 c 250 § 8, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1979 c 111: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 111 § 21.]

RCW 46.74.020 Exclusion from for hire vehicle laws.

Ride-sharing vehicles are not deemed for hire vehicles and do not fall within the provisions of chapter 46.72 RCW or any other provision of Title 46 RCW affecting for hire vehicles, whether or not the ride-sharing operator receives compensation.

[1979 c 111 § 2.]

Notes:

Severability--1979 c 111: See note following RCW 46.74.010.

RCW 46.74.030 Operators.

The operator and the driver of a commuter ride-sharing vehicle or a flexible commuter ride-sharing vehicle shall be held to a reasonable and ordinary standard of care, and are not subject to ordinances or regulations which relate exclusively to the regulation of drivers or owners of motor vehicles operated for hire, or other common carriers or public transit carriers. No person, entity, or concern may, as a result of engaging in ride-sharing promotional activities, be liable for civil damages arising directly or indirectly (1) from the maintenance and operation of a commuter ride-sharing or flexible commuter ride-sharing vehicle; or (2) from an intentional act of another person who is participating or proposing to participate in a commuter ride-sharing or flexible commuter ride-sharing arrangement, unless the ride-sharing operator or promoter had prior, actual knowledge that the intentional act was likely to occur and had a reasonable ability to prevent the act from occurring.

[1997 c 250 § 9; 1996 c 244 § 3; 1979 c 111 § 3.]

Notes:

Severability--1979 c 111: See note following RCW 46.74.010.

**Chapter 46.76 RCW
MOTOR VEHICLE TRANSPORTERS**

Sections

| | |
|-----------|---|
| 46.76.010 | License required--Exceptions--"Driveaway," "towaway," method defined. |
| 46.76.020 | Application for license. |
| 46.76.030 | Issuance of license--Plates. |
| 46.76.040 | License and plate fees. |
| 46.76.050 | Expiration, renewal--Fee. |
| 46.76.055 | Staggering renewal periods. |
| 46.76.060 | Display of plates--Nontransferability. |
| 46.76.065 | Grounds for denial, suspension, or revocation of license. |
| 46.76.067 | Compliance with chapter 81.80 RCW. |
| 46.76.070 | Rules. |
| 46.76.080 | Penalty. |

RCW 46.76.010 License required--Exceptions--"Driveaway," "towaway," method defined.

It shall be unlawful for any person, firm, partnership, association, or corporation to engage in the business of delivering by the driveaway or towaway methods vehicles not his own

and of a type required to be registered under the laws of this state, without procuring a transporter's license in accordance with the provisions of this chapter.

This shall not apply to motor freight carriers or operations regularly licensed under the provisions of chapter 81.80 RCW to haul such vehicles on trailers or semitrailers.

Driveaway or towaway methods means the delivery service rendered by a motor vehicle transporter wherein motor vehicles are driven singly or in combinations by the towbar, saddlemount or fullmount methods or any lawful combinations thereof, or where a truck or truck-tractor draws or tows a semitrailer or trailer.

[1961 c 12 § 46.76.010. Prior: 1957 c 107 § 1; 1953 c 155 § 1; 1947 c 97 § 1; Rem. Supp. 1947 § 6382-75.]

RCW 46.76.020 Application for license.

Application for a transporter's license shall be made on a form provided for that purpose by the director of licensing and when executed shall be forwarded to the director together with the proper fee. The application shall contain the name and address of the applicant and such other information as the director may require.

[1979 c 158 § 189; 1967 c 32 § 91; 1961 c 12 § 46.76.020. Prior: 1947 c 97 § 2; Rem. Supp. 1947 § 6382-76.]

RCW 46.76.030 Issuance of license--Plates.

Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license plates and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways.

[1967 c 32 § 92; 1961 c 12 § 46.76.030. Prior: 1947 c 97 § 3; Rem. Supp. 1947 § 6382-77.]

RCW 46.76.040 License and plate fees.

The fee for an original transporter's license is twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under this chapter. The plates may be obtained for a fee of two dollars for each set.

[1990 c 250 § 68; 1961 c 12 § 46.76.040. Prior: 1957 c 107 § 2; 1947 c 97 § 4; Rem. Supp. 1947 § 6382-78.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.76.050 Expiration, renewal--Fee.

A transporter's license expires on the date assigned by the director, and may be renewed

by filing a proper application and paying an annual fee of fifteen dollars.

[1985 c 109 § 3; 1961 c 12 § 46.76.050. Prior: 1947 c 97 § 5; Rem. Supp. 1947 § 6382-79.]

RCW 46.76.055 Staggering renewal periods.

Notwithstanding any provision of law to the contrary, the director may extend or diminish the licensing period of transporters for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

[1985 c 109 § 4.]

RCW 46.76.060 Display of plates--Nontransferability.

Transporter's license plates shall be conspicuously displayed on all vehicles being delivered by the driveaway or towaway methods. These plates shall not be loaned to or used by any person other than the holder of the license or his employees.

[1961 c 12 § 46.76.060. Prior: 1957 c 107 § 3; 1947 c 97 § 6; Rem. Supp. 1947 § 6382-80.]

RCW 46.76.065 Grounds for denial, suspension, or revocation of license.

The following conduct shall be sufficient grounds pursuant to RCW 34.05.422 for the director or a designee to deny, suspend, or revoke the license of a motor vehicle transporter:

(1) Using transporter plates for driveaway or towaway of any vehicle owned by such transporter;

(2) Knowingly, as that term is defined in RCW 9A.08.010(1)(b), having possession of a stolen vehicle or a vehicle with a defaced, missing, or obliterated manufacturer's identification serial number;

(3) Loaning transporter plates;

(4) Using transporter plates for any purpose other than as provided under RCW 46.76.010; or

(5) Violation of provisions of this chapter or of rules and regulations adopted relating to enforcement and proper operation of this chapter.

[1977 ex.s. c 254 § 1.]

RCW 46.76.067 Compliance with chapter 81.80 RCW.

(1) Any person or organization that transports any mobile home or other vehicle for hire shall comply with this chapter and chapter 81.80 RCW. Persons or organizations that do not have a valid permit or meet other requirements under chapter 81.80 RCW shall not be issued a transporter license or transporter plates to transport mobile homes or other vehicles. RCW 46.76.065(5) applies to persons or organizations that have transporter licenses or plates and do

not meet the requirements of chapter 81.80 RCW.

(2) This section does not apply to mobile home manufacturers or dealers that are licensed and delivering the mobile home under chapter 46.70 RCW.

[1988 c 239 § 4.]

RCW 46.76.070 Rules.

The director may make any reasonable rules or regulations not inconsistent with the provisions of this chapter relating to the enforcement and proper operation of this chapter.

[1967 c 32 § 93; 1961 c 12 § 46.76.070. Prior: 1947 c 97 § 7; Rem. Supp. 1947 § 6382-81.]

RCW 46.76.080 Penalty.

The violation of any provision of this chapter is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates used in connection with such violation.

[1979 ex.s. c 136 § 96; 1961 c 12 § 46.76.080. Prior: 1947 c 97 § 8; Rem. Supp. 1947 § 6382-82.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

**Chapter 46.79 RCW
HULK HAULERS AND SCRAP PROCESSORS**

Sections

| | |
|-----------|--|
| 46.79.010 | Definitions. |
| 46.79.020 | Transporting junk vehicles to scrap processor--Removal of parts, restrictions. |
| 46.79.030 | Application for license, renewal--Form--Signature--Contents. |
| 46.79.040 | Application forwarded with fees--Issuance of license--Disposition of fees--Display of license. |
| 46.79.050 | License expiration--Renewal fee--Surrender of license, when. |
| 46.79.055 | Staggering renewal periods. |
| 46.79.060 | Special license plates--Fee. |
| 46.79.070 | Acts subject to penalties. |
| 46.79.080 | Rules. |
| 46.79.090 | Inspection of premises and records--Certificate of inspection. |
| 46.79.100 | Other provisions to comply with chapter. |
| 46.79.110 | Chapter not to prohibit individual towing of vehicles to wreckers or processors. |
| 46.79.120 | Unlicensed hulk hauling or scrap processing--Penalty. |
| 46.79.130 | Wholesale motor vehicle auction dealers. |

RCW 46.79.010 Definitions.

The definitions set forth in this section apply throughout this chapter unless the context

indicates otherwise.

(1) "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;
- (c) Is apparently inoperable;
- (d) Is without a valid, current registration plate;
- (e) Has a fair market value equal only to the value of the scrap in it.

(2) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(3) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(4) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell second-hand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed vehicle wrecker or disposed of at a public facility for waste disposal.

(5) "Director" means the director of licensing.

(6) "Major component parts" include engines and short blocks, frames, transmissions or transfer cases, cabs, doors, front or rear differentials, front or rear clips, quarter panels or fenders, bumpers, truck beds or boxes, seats, and hoods.

[2001 c 64 § 10; 1990 c 250 § 69; 1983 c 142 § 2; 1979 c 158 § 190; 1971 ex.s. c 110 § 1.]

NOTES:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.79.020 Transporting junk vehicles to scrap processor--Removal of parts, restrictions.

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk vehicle whether such vehicle is from in state or out of state, to a scrap processor upon obtaining the certificate of title or release of interest from the owner or an affidavit of sale from the landowner who has complied with RCW 46.55.230. The scrap processor shall forward such document(s) to the department, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Prepare vehicles and vehicle salvage for transportation and delivery to a scrap processor or vehicle wrecker only by removing the following vehicle parts:

- (a) Gas tanks;
- (b) Vehicle seats containing springs;
- (c) Tires;

- (d) Wheels;
- (e) Scrap batteries;
- (f) Scrap radiators.

Such parts may not be removed if they will be accepted by a scrap processor or wrecker. Such parts may be removed only at a properly zoned location, and all preparation activity, vehicles, and vehicle parts shall be obscured from public view. Storage is limited to two vehicles or the parts thereof which are authorized by this subsection, and any such storage may take place only at a properly zoned location. Any vehicle parts removed under the authority of this subsection shall be lawfully disposed of at or through a public facility or service for waste disposal or by sale to a licensed vehicle wrecker.

[2001 c 64 § 11; 1990 c 250 § 70; 1987 c 62 § 1; 1983 c 142 § 3; 1979 c 158 § 191; 1971 ex.s. c 110 § 2.]

NOTES:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.79.030 Application for license, renewal--Form--Signature--Contents.

Application for a hulk hauler's license or a scrap processor's license or renewal of a hulk hauler's license or a scrap processor's license shall be made on a form for this purpose, furnished by the director, and shall be signed by the applicant or his authorized agent and shall include the following information:

- (1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;
- (2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;
- (3) Certificate of approval of the chief of police of any city or town, wherever located, having a population of over five thousand persons and in all other instances a member of the state patrol certifying that the applicant can be found at the address shown on the application, and;
- (4) Any other information that the director may require.

[1971 ex.s. c 110 § 3.]

RCW 46.79.040 Application forwarded with fees--Issuance of license--Disposition of fees--Display of license.

Application for a hulk hauler's license, together with a fee of ten dollars, or application for a scrap processor's license, together with a fee of twenty-five dollars, shall be forwarded to the director. Upon receipt of the application the director shall, if the application be in order, issue the license applied for authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed at the address shown in his application, where it may be inspected by an investigating officer at any time.

[1971 ex.s. c 110 § 4.]

RCW 46.79.050 License expiration--Renewal fee--Surrender of license, when.

A license issued pursuant to this chapter expires on the date assigned by the director, and may be renewed by filing a proper application and payment of a fee of ten dollars.

Whenever a hulk hauler or scrap processor ceases to do business or the license has been suspended or revoked, the license shall immediately be surrendered to the director.

[1985 c 109 § 5; 1983 c 142 § 4; 1971 ex.s. c 110 § 5.]

RCW 46.79.055 Staggering renewal periods.

Notwithstanding any provision of law to the contrary, the director may extend or diminish the licensing period of hulk haulers and scrap processors for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

[1985 c 109 § 6.]

RCW 46.79.060 Special license plates--Fee.

The hulk hauler or scrap processor shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him and used in the conduct of his business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

[1971 ex.s. c 110 § 6.]

RCW 46.79.070 Acts subject to penalties.

The director may by order pursuant to the provisions of chapter 34.05 RCW, deny, suspend, or revoke the license of any hulk hauler or scrap processor or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed five hundred dollars per violation, whenever the director finds that the applicant or licensee:

(1) Removed a vehicle or vehicle major component part from property without obtaining both the written permission of the property owner and documentation approved by the department for acquiring vehicles, junk vehicles, or major component parts thereof;

(2) Acquired, disposed of, or possessed a vehicle or major component part thereof when he or she knew that such vehicle or part had been stolen or appropriated without the consent of the owner;

(3) Sold, bought, received, concealed, had in his or her possession, or disposed of a vehicle or major component part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(4) Committed forgery or made any material misrepresentation on any document relating to the acquisition, disposition, registration, titling, or licensing of a vehicle pursuant to Title 46 RCW;

(5) Committed any dishonest act or omission which has caused loss or serious inconvenience as a result of the acquisition or disposition of a vehicle or any major component part thereof;

(6) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

(7) Been authorized to remove a particular vehicle or vehicles and failed to take all remnants and debris from those vehicles from that area unless requested not to do so by the person authorizing the removal;

(8) Removed parts from a vehicle at other than an approved location or removed or sold parts or vehicles beyond the scope authorized by this chapter or any rule adopted hereunder;

(9) Been adjudged guilty of a crime which directly relates to the business of a hulk hauler or scrap processor and the time elapsed since the adjudication is less than five years. For the purposes of this section adjudged guilty means, in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(10) Been the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid.

[1990 c 250 § 71; 1983 c 142 § 5; 1971 ex.s. c 110 § 7.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.79.080 Rules.

The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

[1971 ex.s. c 110 § 8.]

RCW 46.79.090 Inspection of premises and records--Certificate of inspection.

It shall be the duty of the chiefs of police, or the Washington state patrol, in cities having a population of over five thousand persons, and in all other cases the Washington state patrol, to make periodic inspection of the hulk hauler's or scrap processor's premises and records provided for in this chapter, and furnish a certificate of inspection to the director in such manner as may

be determined by the director: PROVIDED, That the above inspection in any instance can be made by an authorized representative of the department.

The department is hereby authorized to enlist the services and cooperation of any law enforcement officer or state agency of another state to inspect the premises of any hulk hauler or scrap processor whose established place of business is in that other state but who is licensed to transport automobile hulks within Washington state.

[1983 c 142 § 6; 1971 ex.s. c 110 § 9.]

RCW 46.79.100 Other provisions to comply with chapter.

Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of hulk haulers or scrap processors shall comply strictly with the provisions of this chapter.

[1971 ex.s. c 110 § 10.]

RCW 46.79.110 Chapter not to prohibit individual towing of vehicles to wreckers or processors.

Nothing contained in this chapter shall be construed to prohibit any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any vehicle wrecker or scrap processor.

[2001 c 64 § 12; 1983 c 142 § 7; 1971 ex.s. c 110 § 11.]

RCW 46.79.120 Unlicensed hulk hauling or scrap processing--Penalty.

Any hulk hauler or scrap processor who engages in the business of hulk hauling or scrap processing without holding a current license issued by the department for authorization to do so, or, holding such a license, exceeds the authority granted by that license, is guilty of a gross misdemeanor.

[1983 c 142 § 8.]

RCW 46.79.130 Wholesale motor vehicle auction dealers.

- (1) A wholesale motor vehicle auction dealer may:
 - (a) Sell any classification of motor vehicle;
 - (b) Sell only to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state; or
 - (c) Sell a motor vehicle belonging to the United States government, the state of Washington, or a political subdivision to nonlicensed persons as may be required by the contracting public agency. However, a publicly owned "wrecked vehicle" as defined in RCW 46.80.010 may be sold to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state.

(2) If the wholesale motor vehicle auction dealer knows that a vehicle is a "wrecked vehicle" as defined by RCW 46.80.010, the dealer must disclose this fact on the bill of sale.

[1998 c 282 § 4.]

Chapter 46.80 RCW
VEHICLE WRECKERS
(Formerly: Motor vehicle wreckers)

Sections

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Notes:

Hulk haulers and scrap processors: Chapter 46.79 RCW.

RCW 46.80.005 Legislative declaration.

The legislature finds and declares that the distribution and sale of vehicle parts in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare and in the exercise of its police power, it is necessary to regulate and license vehicle wreckers and dismantlers, the buyers-for-resale, and the sellers of second-hand vehicle components doing business in Washington, in order to prevent the sale of stolen vehicle parts, to prevent frauds, impositions, and other abuses, and to preserve the investments and properties of the citizens of

this state.

[1995 c 256 § 3; 1977 ex.s. c 253 § 1.]

Notes:

Severability--1977 ex.s. c 253: "If any provision of this 1977 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby." [1977 ex.s. c 253 § 14.]

RCW 46.80.010 Definitions.

The definitions set forth in this section apply throughout this chapter.

(1) "Vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or who buys or sells integral second-hand parts of component material thereof, in whole or in part, or who deals in second-hand vehicle parts.

(2) "Core" means a major component part received by a vehicle wrecker in exchange for a like part sold by the wrecker, is not resold as a major component part except for scrap metal value or for remanufacture, and the wrecker maintains records for three years from the date of acquisition to identify the name of the person from whom the core was received.

(3) "Established place of business" means a building or enclosure which the vehicle wrecker occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with zoning regulations.

(4) "Interim owner" means the owner of a vehicle who has the original certificate of ownership for the vehicle, which certificate has been released by the person named on the certificate and assigned to the person offering to sell the vehicle to the wrecker.

(5) "Major component part" includes at least each of the following vehicle parts: (a) Engines and short blocks; (b) frame; (c) transmission and/or transfer case; (d) cab; (e) door; (f) front or rear differential; (g) front or rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood; (l) bumper; (m) fender; and (n) airbag. The director may supplement this list by rule.

(6) "Wrecked vehicle" means a vehicle which is disassembled or dismantled or a vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state.

[1999 c 278 § 1; 1995 c 256 § 4; 1977 ex.s. c 253 § 2; 1961 c 12 § 46.80.010. Prior: 1947 c 262 § 1; Rem. Supp. 1947 § 8326-40.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.020 License required--Penalty.

It is unlawful for a person to engage in the business of wrecking vehicles without having first applied for and received a license. A person or firm engaged in the unlawful activity is guilty of a gross misdemeanor. A second or subsequent offense is a class C felony.

[1995 c 256 § 5; 1979 c 158 § 192; 1977 ex.s. c 253 § 3; 1971 ex.s. c 7 § 1; 1967 c 32 § 94; 1961 c 12 § 46.80.020. Prior: 1947 c 262 § 2; Rem. Supp. 1947 § 8326-41.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.030 Application for license--Contents.

Application for a vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association, or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant is in compliance with this chapter and the provisions of Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of licensing;

(4) Any other information that the department may require.

[2001 c 64 § 13; 1990 c 250 § 72; 1979 c 158 § 193; 1977 ex.s. c 253 § 4; 1971 ex.s. c 7 § 2; 1967 ex.s. c 13 § 1; 1967 c 32 § 95; 1961 c 12 § 46.80.030. Prior: 1947 c 262 § 3; Rem. Supp. 1947 § 8326-42.]

NOTES:

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.040 Issuance of license--Fee.

The application, together with a fee of twenty-five dollars, and a surety bond as provided in RCW 46.80.070, shall be forwarded to the department. Upon receipt of the application the

department shall, if the application is in order, issue a vehicle wrecker's license authorizing the wrecker to do business as such and forward the fee to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in the place of business, where it may be inspected by an investigating officer at any time.

[1995 c 256 § 6; 1971 ex.s. c 7 § 3; 1967 c 32 § 96; 1961 c 12 § 46.80.040. Prior: 1947 c 262 § 4; Rem. Supp. 1947 § 8326-43.]

RCW 46.80.050 Expiration, renewal--Fee.

A license issued on this application remains in force until suspended or revoked and may be renewed annually upon reapplication according to RCW 46.80.030 and upon payment of a fee of ten dollars. A vehicle wrecker who fails or neglects to renew the license before the assigned expiration date shall pay the fee for an original vehicle wrecker license as provided in this chapter.

Whenever a vehicle wrecker ceases to do business as such or the license has been suspended or revoked, the wrecker shall immediately surrender the license to the department.

[1995 c 256 § 7; 1985 c 109 § 7; 1971 ex.s. c 7 § 4; 1967 ex.s. c 13 § 2; 1967 c 32 § 97; 1961 c 12 § 46.80.050. Prior: 1947 c 262 § 5; Rem. Supp. 1947 § 8326-44.]

RCW 46.80.060 License plates--Fee--Display.

The vehicle wrecker shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles. The special plates must be displayed on vehicles owned and/or operated by the wrecker and used in the conduct of the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. A wrecker with more than one licensed location in the state may use special plates bearing the same license number for vehicles operated out of any of the licensed locations.

[1995 c 256 § 8; 1961 c 12 § 46.80.060. Prior: 1957 c 273 § 21; 1947 c 262 § 6; Rem. Supp. 1947 § 8326-45.]

RCW 46.80.070 Bond.

Before issuing a vehicle wrecker's license, the department shall require the applicant to file with the department a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved as to form by the attorney general and conditioned upon the wrecker conducting the business in conformity with the provisions of this chapter. Any person who has suffered any loss or damage by reason of fraud, carelessness, neglect, violation of the terms of this chapter, or misrepresentation on the part of the wrecking company, may institute an action for recovery against the vehicle wrecker and surety upon the bond. However, the aggregate liability of the surety to all persons shall in no event exceed the amount of the

bond.

[1995 c 256 § 9; 1977 ex.s. c 253 § 5; 1971 ex.s. c 7 § 5; 1967 c 32 § 98; 1961 c 12 § 46.80.070. Prior: 1947 c 262 § 7; Rem. Supp. 1947 § 8326-46.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.080 Records--Penalty.

(1) Every vehicle wrecker shall maintain books or files in which the wrecker shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by the wrecker; and

(b) Every major component part acquired by the wrecker; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom the wrecker purchased the vehicle or part. Major component parts other than cores shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle that is the source of a major component part other than a core:

(a) The certificate of title number (if previously titled in this or any other state);

(b) Name of state where last registered;

(c) Number of the last license number plate issued;

(d) Name of vehicle;

(e) Motor or identification number and serial number of the vehicle;

(f) Date purchased;

(g) Disposition of the motor and chassis;

(h) Yard number assigned by the licensee to the vehicle or major component part, which shall also appear on the identified vehicle or part; and

(i) Such other information as the department may require.

(3) The records shall also contain a bill of sale signed by the seller for other minor component parts acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) The records shall be maintained by the licensee at his or her established place of business for a period of three years from the date of acquisition.

(5) The record is subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department.

(6) A vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the

vehicle and place to which it was towed or transported.

(7) Failure to comply with this section is a gross misdemeanor.

[1999 c 278 § 2; 1995 c 256 § 10; 1977 ex.s. c 253 § 6; 1971 ex.s. c 7 § 6; 1967 c 32 § 99; 1961 c 12 § 46.80.080. Prior: 1947 c 262 § 8; Rem. Supp. 1947 § 8326-47.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.090 Reports to department--Evidence of ownership.

Within thirty days after acquiring a vehicle, the vehicle wrecker shall furnish a written report to the department. This report shall be in such form as the department shall prescribe and shall be accompanied by evidence of ownership as determined by the department. No vehicle wrecker may acquire a vehicle, including a vehicle from an interim owner, without first obtaining evidence of ownership as determined by the department. For a vehicle from an interim owner, the evidence of ownership may not require that a title be issued in the name of the interim owner as required by RCW 46.12.101. The vehicle wrecker shall furnish a monthly report of all acquired vehicles. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the vehicle wrecker or an authorized representative and the facts therein sworn to before a notary public, or before an officer or employee of the department designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180.

[1999 c 278 § 3; 1995 c 256 § 11; 1979 c 158 § 194; 1977 ex.s. c 253 § 7; 1971 ex.s. c 7 § 7; 1967 c 32 § 100; 1961 c 12 § 46.80.090. Prior: 1947 c 262 § 9; Rem. Supp. 1947 § 8326-48.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.100 Cancellation of bond.

If, after issuing a vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the department shall immediately notify the principal covered by the bond and afford the principal the opportunity of obtaining another bond before the termination of the original. If the principal fails, neglects, or refuses to obtain a replacement, the director may cancel or suspend the vehicle wrecker's license. Notice of cancellation of the bond may be accomplished by sending a notice by first class mail using the last known address in department records for the principal covered by the bond and recording the transmittal on an affidavit of first class mail.

[1995 c 256 § 12; 1977 ex.s. c 253 § 8; 1967 c 32 § 101; 1961 c 12 § 46.80.100. Prior: 1947 c 262 § 10; Rem. Supp. 1947 § 8326-49.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.110 License penalties, civil fines, criminal penalties.

(1) The director or a designee may, pursuant to the provisions of chapter 34.05 RCW, by order deny, suspend, or revoke the license of a vehicle wrecker, or assess a civil fine of up to five hundred dollars for each violation, if the director finds that the applicant or licensee has:

(a) Acquired a vehicle or major component part other than by first obtaining title or other documentation as provided by this chapter;

(b) Willfully misrepresented the physical condition of any motor or integral part of a vehicle;

(c) Sold, had in the wrecker's possession, or disposed of a vehicle or any part thereof when he or she knows that the vehicle or part has been stolen, or appropriated without the consent of the owner;

(d) Sold, bought, received, concealed, had in the wrecker's possession, or disposed of a vehicle or part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(e) Committed forgery or misstated a material fact on any title, registration, or other document covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(f) Committed any dishonest act or omission that the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a vehicle or part thereof;

(g) Failed to comply with any of the provisions of this chapter or with any of the rules adopted under it, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

(h) Procured a license fraudulently or dishonestly;

(i) Been convicted of a crime that directly relates to the business of a vehicle wrecker and the time elapsed since conviction is less than ten years, or suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, conviction means in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended.

(2) In addition to actions by the department under this section, it is a gross misdemeanor to violate subsection (1)(a), (b), or (h) of this section.

[1995 c 256 § 13; 1989 c 337 § 17; 1977 ex.s. c 253 § 9; 1971 ex.s. c 7 § 8; 1967 ex.s. c 13 § 3; 1967 c 32 § 102; 1961 c 12 § 46.80.110. Prior: 1947 c 262 § 11; Rem. Supp. 1947 § 8326-50.]

NOTES:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.121 False or unqualified applications.

If a person whose vehicle wrecker license has previously been canceled for cause by the department files an application for a license to conduct business as a vehicle wrecker, or if the department is of the opinion that the application is not filed in good faith or that the application

is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department may refuse to issue the person a license to conduct business as a vehicle wrecker.

[1995 c 256 § 14.]

RCW 46.80.130 All storage at place of business--Screening required--Penalty.

(1) It is unlawful for a vehicle wrecker to keep a vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the department, without permission of the department.

(2) All premises containing vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the department may establish specifications or standards for the fence or wall. The wall or fence shall be painted or stained a neutral shade that blends in with the surrounding premises, and the wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of the hedge shall be replaced.

(3) Violation of subsection (1) of this section is a gross misdemeanor.

[1995 c 256 § 15; 1971 ex.s. c 7 § 9; 1967 ex.s. c 13 § 4; 1967 c 32 § 103; 1965 c 117 § 1; 1961 c 12 § 46.80.130. Prior: 1947 c 262 § 13; Rem. Supp. 1947 § 8326-52.]

RCW 46.80.140 Rules.

The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

[1967 c 32 § 104; 1961 c 12 § 46.80.140. Prior: 1947 c 262 § 14; Rem. Supp. 1947 § 8326-53.]

RCW 46.80.150 Inspection of licensed premises and records.

It shall be the duty of the chiefs of police, or the Washington state patrol, in cities having a population of over five thousand persons, and in all other cases the Washington state patrol, to make periodic inspection of the vehicle wrecker's licensed premises and records provided for in this chapter during normal business hours, and furnish a certificate of inspection to the department in such manner as may be determined by the department. In any instance, an authorized representative of the department may make the inspection.

[1995 c 256 § 16; 1983 c 142 § 9; 1977 ex.s. c 253 § 10; 1971 ex.s. c 7 § 10; 1967 ex.s. c 13 § 5; 1967 c 32 § 105; 1961 c 12 § 46.80.150. Prior: 1947 c 262 § 15; Rem. Supp. 1947 § 8326-54.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.160 Municipal compliance.

Any municipality or political subdivision of this state that now has or subsequently makes provision for the regulation of vehicle wreckers shall comply strictly with the provisions of this chapter.

[1995 c 256 § 17; 1961 c 12 § 46.80.160. Prior: 1947 c 262 § 16; Rem. Supp. 1947 § 8326-55.]

RCW 46.80.170 Violations--Penalties.

Unless otherwise provided by law, it is a misdemeanor for any person to violate any of the provisions of this chapter or the rules adopted under this chapter.

[1995 c 256 § 18; 1977 ex.s. c 253 § 11.]

Notes:

Rules of court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.180 Cease and desist orders--Fines.

(1) If it appears to the director that an unlicensed person has engaged in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. The director shall give the person reasonable notice of and opportunity for a hearing. The director may issue a temporary order pending a hearing. The temporary order remains in effect until ten days after the hearing is held and becomes final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

(2) The director may assess a fine of up to one thousand dollars with the final order for each act or practice constituting a violation of this chapter by an unlicensed person.

[1995 c 256 § 19.]

RCW 46.80.190 Subpoenas.

The department of licensing or its authorized agent may examine or subpoena any persons, books, papers, records, data, vehicles, or vehicle parts bearing upon the investigation or proceeding under this chapter.

The persons subpoenaed may be required to testify and produce any books, papers, records, data, vehicles, or vehicle parts that the director deems relevant or material to the inquiry.

The director or an authorized agent may administer an oath to the person required to testify, and a person giving false testimony after the administration of the oath is guilty of perjury in the first degree.

A court of competent jurisdiction may, upon application by the director, issue to a person who fails to comply, an order to appear before the director or officer designated by the director, to produce documentary or other evidence touching the matter under investigation or in question.

[1995 c 256 § 20.]

RCW 46.80.200 Wholesale motor vehicle auction dealers.

(1) A wholesale motor vehicle auction dealer may:

(a) Sell any classification of motor vehicle;

(b) Sell only to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state; or

(c) Sell a motor vehicle belonging to the United States government, the state of Washington, or a political subdivision to nonlicensed persons as may be required by the contracting public agency. However, a publicly owned "wrecked vehicle" may be sold to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state.

(2) If the wholesale motor vehicle auction dealer knows that a vehicle is a "wrecked vehicle," the dealer must disclose this fact on the bill of sale.

[1998 c 282 § 6.]

RCW 46.80.900 Liberal construction.

The provisions of this chapter shall be liberally construed to the end that traffic in stolen vehicle parts may be prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of wrecking vehicles or selling used vehicle parts in this state and reliable persons may be encouraged to engage in businesses of wrecking or reselling vehicle parts in this state.

[1995 c 256 § 21; 1977 ex.s. c 253 § 13.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

Chapter 46.81 RCW
TRAFFIC SAFETY EDUCATION COURSES
(See chapter 28A.220 RCW)

Chapter 46.81A RCW
MOTORCYCLE SKILLS EDUCATION PROGRAM

Sections

46.81A.001 Purpose.
46.81A.010 Definitions.

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| 46.81A.020 | Powers and duties of director. |
| 46.81A.030 | Deposit of gifts. |
| 46.81A.900 | Severability--1988 c 227. |

RCW 46.81A.001 Purpose.

It is the purpose of this chapter to provide the motorcycle riders of the state with an affordable motorcycle skills education program in order to promote motorcycle safety awareness.

[1988 c 227 § 1.]

RCW 46.81A.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motorcycle skills education program" means a motorcycle rider skills training program to be administered by the department.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Motorcycle" means a motorcycle licensed under chapter 46.16 RCW, and does not include motorized bicycles, mopeds, scooters, off-road motorcycles, motorized tricycles, side-car equipped motorcycles, or four-wheel all-terrain vehicles.

[1988 c 227 § 2.]

RCW 46.81A.020 Powers and duties of director.

(1) The director shall administer and enforce the law pertaining to the motorcycle skills education program as set forth in this chapter.

(2) The director may adopt and enforce reasonable rules that are consistent with this chapter.

(3) The director shall revise the Washington motorcycle safety program to:

(a) Institute a motorcycle skills education course for both novice and advanced motorcycle riders that is a minimum of eight hours and no more than sixteen hours at a cost of no more than fifty dollars;

(b) Encourage the use of loaned or used motorcycles for use in the motorcycle skills education course if the instructor approves them;

(c) Require all instructors to conduct at least three classes in a one-year period to maintain their teaching eligibility;

(d) Encourage the use of radio or intercom equipped helmets when, in the opinion of the instructor, radio or intercom equipped helmets improve the quality of instruction.

(4) The department shall obtain and compile information from applicants for a

motorcycle endorsement regarding whether they have completed a state approved motorcycle skills education course.

[1998 c 245 § 91; 1993 c 115 § 2; 1988 c 227 § 3.]

RCW 46.81A.030 Deposit of gifts.

The director may receive gifts, grants, or endowments from private sources which shall be deposited in the motorcycle safety [education] account within the highway safety fund.

[1988 c 227 § 4.]

Notes:

Motorcycle safety education account: RCW 46.68.065.

RCW 46.81A.900 Severability--1988 c 227.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1988 c 227 § 8.]

**Chapter 46.82 RCW
DRIVER TRAINING SCHOOLS**

Sections

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RCW 46.82.280 Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles.

(2) "Director" means the director of the department of licensing of the state of Washington.

(3) "Advisory committee" means the driving instructors' advisory committee as created in this chapter.

(4) "Fraudulent practices" means any conduct or representation on the part of a licensee under this chapter tending to induce anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes.

(5) "Instructor" means any person employed by a driver training school to instruct persons in the operation of automobiles.

(6) "Place of business" means a designated location at which the business of a driver training school is transacted and its records are kept.

(7) "Person" means any individual, firm, corporation, partnership, or association.

[1986 c 80 § 1; 1979 ex.s. c 51 § 1.]

RCW 46.82.290 Administration of chapter--Adoption of rules.

(1) The director shall be responsible for the administration and enforcement of the law pertaining to driver training schools as set forth in this chapter.

(2) The director is authorized to adopt and enforce such reasonable rules as may be consistent with and necessary to carry out this chapter.

[1979 ex.s. c 51 § 2.]

RCW 46.82.300 Driver instructors' advisory committee--Composition, travel expenses, meetings, duties.

(1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state traffic safety commission. Members shall be reimbursed for travel expenses in

accordance with RCW 43.03.050 and 43.03.060. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

(b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; and

(d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

[1984 c 287 § 93; 1979 ex.s. c 51 § 3.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 46.82.310 School license--Insurance.

(1) No person shall engage in the business of conducting a driver training school without a license issued by the director for that purpose. An application for a driver training school license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of one hundred dollars, which shall in no event be refunded. If an application is approved by the director, the applicant upon payment of an additional fee of twenty-five dollars shall be granted a license valid for a period of one year from the date of issuance.

(2) The annual fee for renewal of a school license shall be twenty-five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the licensee. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be void requiring a new application as provided for in this chapter, including payment of all fees.

(3) The person to whom a driver training school license has been issued must notify the director in writing within thirty days after any change is made in the officers, directors, or location of the place of business of the school.

(4) Driver training school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for a new license, including payment of all fees, must be made. The director shall permit continuance of the business for a period not to exceed sixty days from [the] date of transfer pending approval of the new application for a school license.

(5) The director shall not issue or renew a school license certificate until the licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in the amount of not less than three hundred thousand dollars because of bodily injury or death to two or more persons in any one accident, not less than one hundred thousand dollars because of bodily injury or death to one person in one accident, and not less than fifty thousand dollars because of property damage to others in one accident, and the coverage shall include uninsured motorists coverage. The insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance.

(6) The increased insurance requirements of subsection (5) of this section must be in effect by no later than one year after September 1, 1979.

[1979 ex.s. c 51 § 4.]

RCW 46.82.320 Instructor's license.

(1) No person, including the owner, operator, partner, officer, or stockholder of a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an instructor's license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If the application is approved by the director and the applicant satisfactorily meets the examination requirements as prescribed in RCW 46.82.330, the applicant shall be granted a license valid for a period of one year from the date of issuance. An instructor shall take a requalification examination every five years.

(2) The annual fee for renewal of an instructor's license shall be five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the employing driver training school. Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(3) Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee.

(4) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

(5) The person to whom an instructor's license has been issued shall notify the director in writing within thirty days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

[1989 c 337 § 18; 1986 c 80 § 2; 1979 ex.s. c 51 § 5.]

RCW 46.82.330 Instructor's license--Examination--Requirements for taking, exceptions.

(1) Upon receipt and approval of an application accompanied by the proper fees, the director shall arrange for the examination of each applicant for an instructor's license and shall notify each applicant of the time and place to appear for examination.

(2) The examination prepared by the advisory committee shall consist of a knowledge test and an actual driving test conducted in a vehicle provided by the applicant. The examination shall determine: The applicant's knowledge of driving laws, rules, and regulations; the applicant's ability to safely operate a motor vehicle; and the applicant's ability to impart this knowledge to others.

(3) No applicant shall be permitted by the director to take the examination for an instructor's license until it is determined that the applicant meets the following requirements:

(a) Possesses a current and valid Washington driver's license and does not have on his driving record any of the violations or penalties set forth in (3)(a) (i), (ii), or (iii) of this section. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than three moving traffic violations within the preceding twelve months or more than four moving traffic violations in the preceding twenty-four months;

(ii) No alcohol-related traffic violation within the preceding three years; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding three years;

(b) Is a high school graduate or the equivalent and at least twenty-one years of age;

(c) Has completed an acceptable application on a form prescribed by the director; and

(d) Has satisfactorily completed a sixty-hour course of instruction in the training of drivers acceptable to the director. The course shall include at least twelve hours of instruction in behind-the-wheel teaching methods and at least six hours supervised practice behind-the-wheel teaching of driving techniques.

(4) Any person with a valid instructor's license in effect as of September 1, 1979, shall not be required to take the examination, or complete the revised course of instruction, otherwise required under this section.

[1979 ex.s. c 51 § 6.]

RCW 46.82.340 Duplicate license certificates.

In case of the loss, mutilation, or destruction of a driver training school license certificate or an instructor's license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of two dollars.

[1979 ex.s. c 51 § 7.]

RCW 46.82.350 Suspension, revocation, or denial of license--Causes enumerated.

(1) The director may suspend, revoke, deny, or refuse to renew an instructor's license or a driver training school license for any of the following causes:

(a) Upon determination that the licensee has made a false statement or concealed any material fact in connection with the application or license renewal;

(b) Upon conviction of the applicant, licensee, or any person directly or indirectly interested in the driver training school's business of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(c) Upon determination that the applicant, licensee, or any person directly or indirectly interested in the driver training school's business previously held a driver training school license which was revoked, suspended, or refused renewal by the director;

(d) Upon determination that the applicant or licensee does not have a place of business as required by this chapter;

(e) Upon determination that the applicant or licensee has failed to require all persons with financial interest in the driver training school to be signatories to the application;

(f) Upon determination that the applicant or licensee has been found guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud in relation to securing for himself, herself, or another a license to drive a motor vehicle; or

(g) Upon determination that the applicant or licensee fails to satisfy the other conditions stated in this chapter.

[1979 ex.s. c 51 § 8.]

RCW 46.82.360 Suspension, revocation, or denial of license--Failure to comply with specified business practices.

The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal for failure to comply with the business practices specified in this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office or building owned or leased by the department of licensing in which examinations for drivers' licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) Any automobile used by a driver training school or an instructor for instruction purposes must be equipped with:

(a) Dual controls for foot brake and clutch, or foot brake only in a vehicle equipped with an automatic transmission;

(b) An instructor's rear view mirror; and

(c) A sign displayed on the back or top, or both, of the vehicle not less than twenty inches in horizontal width or less than ten inches in vertical height and having the words "student driver" or "instruction car," or both, in legible, printed, English letters at least two and one-half inches in height near the top and the name of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and the telephone number in similarly legible letters at least one inch in height placed next below the name of the school. The lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

(4) No driver training school or instructor shall advertise or otherwise indicate that the issuance of a driver's license is guaranteed or assured as a result of the course of instruction offered.

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. Items and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction. The established place of business of a driver training school that applies for an initial license after July 23, 1989, shall be located in a district that is zoned for business or commercial purposes. The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house. To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business. Nothing in this subsection may be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

(7) No driver training school or instructor shall conduct any type of instruction or training on a course used by the department of licensing for testing applicants for a Washington driver's license.

(8) Each driver training school shall maintain records on all of its students, including the student's name and address, the starting and ending dates of instruction, the student's instruction permit or driver's license number, the type of training given, and the total number of hours of instruction. Records of past students shall be maintained for five years following the completion of the instruction.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum compiled

by the driver advisory committee. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

(10) Driver training schools and instructors shall submit to periodic inspections of their business practices, facilities, records, and insurance by authorized representatives of the director of the department of licensing.

[1989 c 337 § 19; 1979 ex.s. c 51 § 9.]

RCW 46.82.370 Suspension, revocation, or denial of license--Appeal of action--Emergency suspension--Hearing, notice and procedure.

Upon notification of suspension, revocation, denial, or refusal to renew a license under this chapter, a driver training school or instructor shall have the right to appeal the action being taken. An appeal may be made to the director, who shall cause a hearing to be held by the advisory committee in accordance with chapter 34.05 RCW. Filing an appeal shall stay the action pending the hearing and the director's decision. Upon conclusion of the hearing, the advisory committee shall notify the director of its findings of fact and recommended action. Within ten days of receipt of the advisory committee's findings and recommendation, the director shall issue a decision on the appeal.

(1) A license may, however, be temporarily suspended by the director without notice pending any prosecution, investigation, or hearing where such emergency action is warranted. A licensee or applicant entitled to a hearing shall be given due notice thereof.

(2) The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant in accordance with chapter 34.05 RCW shall be deemed due notice.

(3) The director or the director's authorized representative shall preside over the advisory committee during the hearing and shall have the power to subpoena witnesses, administer oaths to witnesses, take testimony of any person, and cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued by a court of record. Witnesses subpoenaed under this section and persons other than officers or employees of the department of licensing shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law.

[1979 ex.s. c 51 § 10.]

RCW 46.82.380 Appeal from action or decision of director.

Any action or decision of the director may, after a hearing is held as provided in this chapter, be appealed by the party aggrieved to the superior court of the county in which the place of business is located or where the aggrieved person resides.

[1979 ex.s. c 51 § 11.]

RCW 46.82.390 Penalty.

A violation of any provision of this chapter shall be a misdemeanor.

[1979 ex.s. c 51 § 12.]

Notes:

Rules of court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

RCW 46.82.400 Chapter not applicable to educational institutions.

This chapter shall not apply to or affect in any manner courses of instruction offered in high schools, vocational-technical schools, colleges, or universities which are now or hereafter established, nor shall it be applicable to instructors in any such high schools, vocational-technical schools, colleges, or universities: PROVIDED, That such course or courses are conducted by such schools in a like manner to their other regular courses. If such course is conducted by any commercial school as herein identified on a contractual basis, such school and instructors must qualify under this chapter.

[1979 ex.s. c 51 § 13.]

RCW 46.82.410 Disposition of moneys collected.

All moneys collected from driver training school licenses and instructor licenses shall be deposited in the highway safety fund.

[1990 c 250 § 73; 1979 ex.s. c 51 § 14.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.82.420 Basic minimum required curriculum--Compilation by advisory committee--Revocation of license for failure to teach, show cause hearing upon.

The advisory committee shall compile and furnish to each qualifying applicant for an instructor's license or a driver training school license a basic minimum required curriculum. The basic minimum required curriculum shall also include information on the effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington, and current penalties for driving under the influence of drugs or alcohol. Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the advisory committee and show cause why the license of the instructor or school should not be revoked for such negligence. If the committee does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

[1991 c 217 § 3; 1979 ex.s. c 51 § 15.]

RCW 46.82.430 Instructional material requirements.

Instructional material used in driver training schools shall include information on the proper use of the left-hand lane by motor vehicles on multilane highways and on bicyclists' and pedestrians' rights and responsibilities and suggested riding procedures in common traffic situations.

[1998 c 165 § 6; 1986 c 93 § 5.]

Notes:

Short title--1998 c 165: See note following RCW 43.59.010.
Keep right except when passing, etc.: RCW 46.61.100.

RCW 46.82.900 Severability--1979 ex.s. c 51.

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 51 § 19.]

**Chapter 46.83 RCW
TRAFFIC SCHOOLS**

Sections

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|-----------|---|
| 46.83.010 | City or town and county traffic schools authorized--Procedure to establish. |
| 46.83.020 | County commissioners to control and supervise--Assistance of sheriff and police department. |
| 46.83.030 | Deposit, control of funds--Support. |
| 46.83.040 | Purpose of school. |
| 46.83.050 | Court may order attendance. |
| 46.83.060 | Duty of person required to attend--Penalty. |

RCW 46.83.010 City or town and county traffic schools authorized--Procedure to establish.

Any city or town and the county in which it is located are authorized, as may be agreed between the respective governing bodies of the city or town and county, to establish a traffic school for the purposes and under the conditions set forth in this chapter. Such city or town and county traffic school may be effected whenever the governing body of the city or town shall pass an ordinance and the board of commissioners of the county shall pass a resolution declaring intention to organize and operate a traffic school in accordance with agreements had between them as to the financing, organization, and operation thereof.

[1961 c 12 § 46.83.010. Prior: 1959 c 182 § 1.]

RCW 46.83.020 County commissioners to control and supervise--Assistance of sheriff and police department.

A traffic school established under this chapter shall be under the control and supervision of the board of county commissioners, through such agents, assistants, or instructors as the board may designate, and shall be conducted with the assistance of the county sheriff and the police department of the city or town.

[1961 c 12 § 46.83.020. Prior: 1959 c 182 § 2.]

RCW 46.83.030 Deposit, control of funds--Support.

All funds appropriated by the city or town and county to the operation of the traffic school shall be deposited with the county treasurer and shall be administered by the board of county commissioners. The governing bodies of every city or town and county participating in the operation of traffic schools are authorized to make such appropriations by ordinance or resolution, as the case may be, as they shall determine for the establishment and operation of traffic schools, and they are further authorized to accept and expend gifts, donations, and any other money from any source, private or public, given for the purpose of said schools.

[1961 c 12 § 46.83.030. Prior: 1959 c 182 § 3.]

RCW 46.83.040 Purpose of school.

It shall be the purpose of every traffic school which may be established hereunder to instruct, educate, and inform all persons appearing for training in the proper, lawful, and safe operation of motor vehicles, including but not limited to rules of the road and the limitations of persons, vehicles, and bicycles and roads, streets, and highways under varying conditions and circumstances.

[1998 c 165 § 7; 1961 c 12 § 46.83.040. Prior: 1959 c 182 § 4.]

Notes:

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.83.050 Court may order attendance.

Every municipal court, district court, juvenile court, superior court, and every other court handling traffic cases within the limits of a county wherein a traffic school has been established may, as a part of any sentence imposed following a conviction for any traffic law violation, or as a condition on the suspension of sentence or deferral of any imposition of sentence, order any person so convicted, whether that person be a juvenile, a minor, or an adult, to attend the traffic school for a number of days to be determined by the court, but not to exceed the maximum number of days which the violator could be required to serve in the city or county jail as a result of his or her conviction.

[1984 c 258 § 138; 1961 c 12 § 46.83.050. Prior: 1959 c 182 § 5.]

Notes:

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Application--1984 c 258 §§ 101-139: See note following RCW 3.50.005.

RCW 46.83.060 Duty of person required to attend--Penalty.

Every person required to attend a traffic school as established under the provisions of this chapter shall maintain attendance in accordance with the sentence or order. Failure so to do, unless for good cause shown by clear and convincing evidence, is a traffic infraction.

[1979 ex.s. c 136 § 98; 1961 c 12 § 46.83.060. Prior: 1959 c 182 § 6.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Chapter 46.85 RCW
RECIPROCAL OR PROPORTIONAL REGISTRATION OF VEHICLES

Sections

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| 46.85.020 | Definitions. |
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| 46.85.050 | Base state registration reciprocity. |
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| 46.85.100 | Agreements to be written, filed, and available for distribution. |
| 46.85.110 | Reciprocity agreements in effect at time of act. |
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| 46.85.910 | Constitutionality. |
| 46.85.920 | Repeal and saving. |
| 46.85.930 | Effective date--1963 c 106. |
| 46.85.940 | Section captions not a part of the law. |

RCW 46.85.010 Declaration of policy.

It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories, and countries with respect to vehicles registered in this and such other states, provinces, territories, and countries thus contributing to the economic and social development and growth

of this state.

[1987 c 244 § 8; 1963 c 106 § 1.]

RCW 46.85.020 Definitions.

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(2) "Owner" means a person, business firm, or corporation who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(3) "Properly registered," as applied to place of registration, means:

(a) The jurisdiction where the person registering the vehicle has his legal residence; or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from such place of business, and, the vehicle has been assigned to such place of business; or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

[1987 c 244 § 9; 1985 c 173 § 2; 1982 c 227 § 18; 1981 c 222 § 1; 1963 c 106 § 2.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

Effective date--1982 c 227: See note following RCW 19.09.100.

RCW 46.85.030 Departmental entry into multistate proportional registration agreement, International Registration Plan.

The department of licensing shall have the authority to execute agreements, arrangements, or declarations to carry out the provisions of chapter 46.87 RCW and this chapter.

If the department enters into a multistate proportional registration agreement which requires this state to perform acts in a quasi agency relationship, the department may collect and

forward applicable registration fees and applications to other jurisdictions on behalf of the applicant or on behalf of another jurisdiction and may take such other action as will facilitate the administration of such agreement.

If the department enters into a multistate proportional registration agreement which prescribes procedures applicable to vehicles not specifically described in chapter 46.87 RCW, such as but not limited to "owner-operator" or "rental" vehicles, it shall promulgate rules taking exception to or accomplishing the procedures prescribed in such agreement.

It is the purpose and intent of this subsection to facilitate the membership in the International Registration Plan and at the same time allow the department to continue to participate in such agreements and compacts as may be necessary and desirable in addition to the International Registration Plan.

[1987 c 244 § 10; 1982 c 227 § 19; 1981 c 222 § 2; 1977 ex.s. c 92 § 1; 1975-'76 2nd ex.s. c 34 § 137; 1967 c 32 § 113; 1963 c 106 § 3.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

Effective date--1982 c 227: See note following RCW 19.09.100.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 46.85.040 Authority for reciprocity agreements--Provisions--Reciprocity standards.

The department may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges, and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this state when operated upon highways of such other jurisdiction shall receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this state. Each such agreement or arrangement shall, in the judgment of the department, be in the best interest of this state and the citizens thereof and shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

[1985 c 173 § 3; 1982 c 227 § 20; 1963 c 106 § 4.]

Notes:

Effective date--1982 c 227: See note following RCW 19.09.100.

RCW 46.85.050 Base state registration reciprocity.

An agreement or arrangement entered into, or a declaration issued under the authority of chapter 46.87 RCW or this chapter may contain provisions authorizing the registration or

licensing in another jurisdiction of vehicles located in or operated from a base in such other jurisdiction which vehicles otherwise would be required to be registered or licensed in this state; and in such event the exemptions, benefits, and privileges extended by such agreement, arrangement, or declaration shall apply to such vehicles, when properly licensed or registered in such base jurisdiction.

[1987 c 244 § 11; 1963 c 106 § 5.]

RCW 46.85.060 Declarations of extent of reciprocity, when--Exemptions, benefits, and privileges--Rules.

In the absence of an agreement or arrangement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the department, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce. Declarations of exemptions, benefits, and privileges issued by the department shall include at least the following exemptions:

(1) Nonresident persons not employed in this state may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed six months in any continuous twelve-month period.

(2) Nonresident persons employed in this state may operate vehicles not to exceed twelve thousand pounds registered gross vehicle weight that are currently licensed in another jurisdiction if no permanent, temporary, or part-time residence is maintained in this state for a period greater than six months in any continuous twelve-month period.

(3) A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of twelve thousand pounds, which is properly base licensed in another jurisdiction and registered to a bona fide business in that jurisdiction is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.

(4) The department of licensing, after consultation with the department of revenue, shall adopt such rules as it deems necessary for the administration of these exemptions, benefits, and privileges.

[1987 c 142 § 4; 1985 c 353 § 3; 1982 c 227 § 21; 1963 c 106 § 6.]

Notes:

Effective date--1982 c 227: See note following RCW 19.09.100.

RCW 46.85.070 Extension of reciprocal privileges to lessees authorized.

An agreement, or arrangement entered into, or a declaration issued under the authority of this chapter, may contain provisions under which a leased vehicle properly registered by the

lessor thereof may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.

[1963 c 106 § 7.]

RCW 46.85.080 Automatic reciprocity, when.

On and after July 1, 1963, if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this chapter, any vehicle properly registered or licensed in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles properly registered in this state. Reciprocity extended under this section shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

[1963 c 106 § 8.]

RCW 46.85.090 Suspension of reciprocity benefits.

Agreements, arrangements or declarations made under the authority of this chapter may include provisions authorizing the department to suspend or cancel the exemptions, benefits, or privileges granted thereunder to an owner who violates any of the conditions or terms of such agreements, arrangements, or declarations or who violates the laws of this state relating to motor vehicles or rules and regulations lawfully promulgated thereunder.

[1987 c 244 § 12; 1963 c 106 § 9.]

RCW 46.85.100 Agreements to be written, filed, and available for distribution.

All agreements, arrangements, or declarations or amendments thereto shall be in writing and shall be filed with the department. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030, chapter 46.87 RCW, or this chapter to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request.

[1987 c 244 § 13; 1982 c 227 § 22; 1967 c 32 § 114; 1963 c 106 § 10.]

Notes:

Effective date--1982 c 227: See note following RCW 19.09.100.

RCW 46.85.110 Reciprocity agreements in effect at time of act.

All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles in force and effect at the time this chapter becomes effective shall continue in force and effect at the time this chapter becomes effective and until specifically amended or revoked as provided by law or by such agreements or arrangements.

[1963 c 106 § 11.]

Notes:

Effective date--1963 c 106: See RCW 46.85.930.

RCW 46.85.900 Chapter part of and supplemental to motor vehicle registration law.

This chapter shall be, and construed as, a part of and supplemental to the motor vehicle registration law of this state.

[1963 c 106 § 30.]

RCW 46.85.910 Constitutionality.

If any phrase, clause, subsection or section of this chapter shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this chapter without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the chapter shall not be affected as a result of said part being held unconstitutional or invalid.

[1963 c 106 § 31.]

RCW 46.85.920 Repeal and saving.

The following acts or parts of acts and RCW sections are hereby repealed:

(1) Sections 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100, chapter 12, Laws of 1961 and RCW 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100;

(2) Section 46.84.020, chapter 12, Laws of 1961 as amended by section 37, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.020;

(3) Sections 1, 2, 3, and 4, chapter 266, Laws of 1961 and RCW 46.84.110, 46.84.120, 46.84.130 and 46.84.140; and

(4) Sections 38, 39, and 40, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.150, 46.84.160 and 46.84.170.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

[1963 c 106 § 32.]

RCW 46.85.930 Effective date--1963 c 106.

This chapter shall take effect and be in force on and after July 1, 1963.

[1963 c 106 § 33.]

RCW 46.85.940 Section captions not a part of the law.

Section captions as used in this chapter shall not constitute any part of the law.

[1963 c 106 § 34.]

Chapter 46.87 RCW
PROPORTIONAL REGISTRATION
(Formerly: International Registration Plan)

Sections

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RCW 46.87.010 Applicability--Implementation.

This chapter applies to proportional registration and reciprocity granted under the provisions of the International Registration Plan (IRP) and the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact). This chapter shall become effective and be implemented beginning with the 1988 registration year; however, if Washington is not then registering vehicles under the provisions of the IRP, the effective date and implementation date for the IRP shall both be delayed until such time as Washington begins registering vehicles under the provisions of the IRP.

(1) Provisions and terms of the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in chapter 46.04 RCW, this chapter, or in rules adopted under the authority of this chapter.

(2) The director may adopt and enforce rules deemed necessary to implement and administer this chapter.

(3) Beginning with the first registration year in which the state of Washington begins registering fleets under provisions of the IRP, owners having a fleet of apportionable vehicles operating in two or more IRP member jurisdictions may elect to proportionally register the vehicles of the fleet under the provisions of the IRP and this chapter in lieu of full or temporary registration as provided for in chapters 46.16 or 46.88 RCW.

(4) Owners having a fleet of commercial vehicles operating and registered in at least one Western Compact member jurisdiction other than Washington may elect to proportionally register the vehicles of the fleet under provisions of the Western Compact and this chapter in lieu of full or temporary registration as provided for in chapter 46.16 or 46.88 RCW.

(5) If a due date or an expiration date established under authority of this chapter falls on a Saturday, Sunday, or a state legal holiday, such period is automatically extended through the end of the next business day.

[1987 c 244 § 15; 1986 c 18 § 22; 1985 c 380 § 1.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.020 Definitions.

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact), chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, each as separate and licensable vehicles. For IRP jurisdictions that require the registration of nonmotor vehicles, this term may include trailers, semitrailers, and pole trailers as applicable, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle by the registering jurisdiction under the Western Compact. Under the IRP, it is a certificate of registration issued by the base jurisdiction for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Commercial vehicle" is a term used by the Western Compact and means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government owned or leased vehicles, that is operated and registered in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a motor vehicle having a declared gross weight in excess of twenty-six thousand pounds; or

(b) Is a motor vehicle having three or more axles with a declared gross weight in excess of twelve thousand pounds; or

(c) Is a motor vehicle, trailer, pole trailer, or semitrailer used in combination when the gross weight or declared gross weight of the combination exceeds twenty-six thousand pounds combined gross weight. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Although a two-axle motor vehicle, trailer, pole trailer, semitrailer, or any combination of such vehicles with an actual or declared gross weight or declared combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand is not considered to be a commercial vehicle, at the option of the owner, such vehicles may be considered as "commercial vehicles" for the purpose of proportional registration. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, and buses. Trailers, pole trailers, and semitrailers, will also be considered as commercial vehicles for those jurisdictions who require registration of such vehicles.

(4) "Credentials" means cab cards, apportioned plates (for Washington-based fleets), and validation tabs issued for proportionally registered vehicles.

(5) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

(6) "Declared gross weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on the vehicle as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight shall be determined by multiplying the average load factor of one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

(7) "Department" means the department of licensing.

(8) "Fleet" means one or more commercial vehicles in the Western Compact and one or more apportionable vehicles in the IRP.

(9) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(10) "IRP" means the International Registration Plan.

(11) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months immediately before July 1st of the year immediately before the commencement of the registration or license year for which apportioned registration is sought.

(14) "Properly registered," as applied to the place of registration under the provisions of the Western Compact, means:

(a) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which the vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from that place of business, and the vehicle has been assigned to that place of business; or

(b) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by that jurisdiction.

In case of doubt or dispute as to the proper place of registration of a commercial vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(15) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorate fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(16) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(17) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction.

(18) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

(19) "Western Compact" means the Uniform Vehicle Registration, Proration, and Reciprocity Agreement.

[1997 c 183 § 2; 1994 c 262 § 12; 1993 c 307 § 12; 1991 c 163 § 4; 1990 c 42 § 111; 1987 c 244 § 16; 1985 c 380 § 2.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.022 Rental trailers, converter gears.

Owners of rental trailers and semitrailers over six thousand pounds gross vehicle weight, and converter gears used solely in pool fleets shall fully register a portion of the pool fleet in this state. To determine the percentage of total fleet vehicles that must be registered in this state, divide the gross revenue received in the preceding year for the use of the rental vehicles arising from rental transactions occurring in this state by the total revenue received in the preceding year for the use of the rental vehicles arising from rental transactions in all jurisdictions in which the vehicles are operated. Apply the resulting percentage to the total number of vehicles that shall be registered in this state. Vehicles registered in this state shall be representative of the vehicles in the fleet according to age, size, and value.

[1990 c 250 § 74.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.87.023 Rental car businesses.

(1) Rental car businesses must register with the department of licensing. This registration

must be renewed annually by the rental car business.

(2) Rental cars must be titled and registered under the provisions of chapters 46.12 and 46.16 RCW. The vehicle must be identified at the time of application with the rental car company business number issued by the department.

(3) Use of rental cars is restricted to the rental customer unless otherwise provided by rule.

(4) The department may suspend or cancel the exemptions, benefits, or privileges granted under this section to a rental car business that violates the laws of this state relating to the operation or registration of vehicles or rules lawfully adopted thereunder. The department may initiate and conduct audits, investigations, and enforcement actions as may be reasonably necessary for administering this section.

(5) The department shall adopt such rules as may be necessary to administer and enforce the provisions of this section.

[1994 c 227 § 2; 1992 c 194 § 7.]

Notes:

Effective dates--1992 c 194: See note following RCW 46.04.466.

RCW 46.87.025 Vehicles titled in owner's name.

All vehicles being added to an existing Washington-based fleet or those vehicles that make up a new Washington-based fleet shall be titled in the name of the owner at time of registration, or evidence of filing application for title for such vehicles in the name of the owner shall accompany the application for proportional registration.

[1990 c 250 § 75; 1987 c 244 § 17.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.030 Part-year registration--Credit for unused fees.

(1) When application to register an apportionable or commercial vehicle is made, the Washington prorated fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as an application for registration is received in the department. If a vehicle is being added to a currently registered fleet, the prorate percentage previously established for the fleet for such registration year shall be used in the computation of the proportional fees and taxes due.

(2) If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under this chapter, the registrant of the fleet shall notify the department on appropriate forms prescribed by the department. The department may require the registrant to surrender credentials that were issued to the vehicle. If a motor vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the fleet registrant, the unused portion of the

licensing fee paid under RCW 46.16.070 with respect to the vehicle reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current registration year in which the vehicle was registered and the date the notice of withdrawal, accompanied by such credentials as may be required, is received in the department, shall be credited to the fleet proportional registration account of the registrant. Credit shall be applied against the licensing fee liability for subsequent additions of motor vehicles to be proportionally registered in the fleet during such registration year or for additional licensing fees due under RCW 46.16.070 or to be due upon audit under RCW 46.87.310. If any credit is less than fifteen dollars, no credit will be entered. In lieu of credit, the registrant may choose to transfer the unused portion of the licensing fee for the motor vehicle to the new owner, in which case it shall remain with the motor vehicle for which it was originally paid. In no event may any amount be credited against fees other than those for the registration year from which the credit was obtained nor is any amount subject to refund.

[1997 c 183 § 3; 1993 c 307 § 13; 1987 c 244 § 18; 1986 c 18 § 23; 1985 c 380 § 3.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.040 Purchase of additional gross weight.

Additional gross weight may be purchased for proportionally registered motor vehicles to the limits authorized under chapter 46.44 RCW. Reregistration at the higher gross weight (maximum gross weights under this chapter are fifty-four thousand pounds for a solo three-axle truck or one hundred five thousand five hundred pounds for a combination) for the balance of the registration year, including the full registration month in which the vehicle is initially licensed at the higher gross weight. The apportionable or proportional fee initially paid to the state of Washington, reduced for the number of full registration months the license was in effect, will be deducted from the total fee to be paid to this state for licensing at the higher gross weight for the balance of the registration year. No credit or refund will be given for a reduction of gross weight.

[1994 c 262 § 13; 1987 c 244 § 19; 1985 c 380 § 4.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.050 Deposit of fees.

Each day the department shall forward to the state treasurer the fees collected under this chapter, and within ten days of the end of each registration quarter, a detailed report identifying the amount to be deposited to each account for which fees are required for the licensing of proportionally registered vehicles. Such fees shall be deposited pursuant to RCW 46.68.035, 82.44.110, and 82.44.170.

[1987 c 244 § 20; 1985 c 380 § 5.]

NOTES:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.060 Apportionment of fees, formula.

The apportionment of fees to IRP member jurisdictions shall be in accordance with the provisions of the IRP agreement based on the apportionable fee multiplied by the prorate percentage for each jurisdiction in which the fleet will be registered or is currently registered.

[1987 c 244 § 21; 1985 c 380 § 6.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.070 Registration of trailers, semitrailers, pole trailers.

(1) Washington-based trailers, semitrailers, or pole trailers shall be licensed in this state under the provisions of chapter 46.16 RCW except as herein provided. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable or commercial vehicles for the purpose of registration in those jurisdictions and this state. This provision does not apply to trailers, semitrailers, or pole trailers which have been issued permanent plates.

(2) Trailers, semitrailers, and pole trailers which are properly based in jurisdictions other than Washington, and which display currently registered license plates from such jurisdictions will be granted vehicle license reciprocity in this state without the need of further vehicle license registration. If pole trailers are not required to be licensed separately by a member jurisdiction, such vehicles may be operated in this state without displaying a current base license plate.

[1993 c 123 § 1. Prior: 1991 c 339 § 9; 1991 c 163 § 5; 1990 c 42 § 112; 1987 c 244 § 22; 1985 c 380 § 7.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.080 Cab cards, validation tabs, special license plates--Design, procedures--Issuance, refusal, revocation.

(1) Upon making satisfactory application and payment of applicable fees and taxes for proportional registration under this chapter, the department shall issue a cab card and validation tab for each vehicle, and to vehicles of Washington-based fleets, two distinctive apportionable license plates for each motor vehicle and one such plate for each trailer, semitrailer, pole trailer, or converter gear listed on the application. License plates shall be displayed on vehicles as required by RCW 46.16.240. The number and plate shall be of a design, size, and color determined by the department. The plates shall be treated with reflectorized material and clearly marked with the words "WASHINGTON" and "APPORTIONED," both words to appear in full and without abbreviation.

(2) The cab card serves as the certificate of registration for a proportionally registered vehicle. The face of the cab card shall contain the name and address of the registrant as contained in the records of the department, the license plate number assigned to the vehicle by

the base jurisdiction, the vehicle identification number, and such other description of the vehicle and data as the department may require. The cab card shall be signed by the registrant, or a designated person if the registrant is a business firm, and shall at all times be carried in or on the vehicle to which it was issued. In the case of nonpowered vehicles, the cab card may be carried in or on the vehicle supplying the motive power instead of in or on the nonpowered vehicle.

(3) The apportioned license plates are not transferrable from vehicle to vehicle unless otherwise determined by rule and shall be used only on the vehicle to which they are assigned by the department for as long as they are legible or until such time as the department requires them to be removed and returned to the department.

(4) Distinctive validation tab(s) of a design, size, and color determined by the department shall be affixed to the apportioned license plate(s) as prescribed by the department to indicate the month, if necessary, and year for which the vehicle is registered. Foreign-based vehicles proportionally registered in this state under the provisions of the Western Compact shall display the validation tab on a backing plate or as otherwise prescribed by the department.

(5) Renewals shall be effected by the issuance and display of such tab(s) after making satisfactory application and payment of applicable fees and taxes.

(6) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation. However, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle may be operated in interstate or intrastate commerce in this state unless the owner has been granted interstate operating authority by the interstate commerce commission in the case of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the case of intrastate operations and unless the vehicle is being operated in conformity with that authority.

(7) The department may issue temporary authorization permits (TAPs) to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar plus a one dollar filing fee shall be collected for each permit issued. The permit fee shall be deposited in the motor vehicle fund, and the filing fee shall be deposited in the highway safety fund. The department may adopt rules for use and issuance of the permits.

(8) The department may refuse to issue any license or permit authorized by subsection (1) or (7) of this section to any person: (a) Who formerly held any type of license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, or 82.38 RCW that has been revoked for cause, which cause has not been removed; or (b) who is a subterfuge for the real party in interest whose license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, or 82.38 RCW and has been revoked for cause, which cause has not been removed; or (c) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (d) who has an unsatisfied debt to the state assessed under either chapter 46.16, 46.85, 46.87, 82.36, 82.38, or 82.44 RCW.

(9) The department may revoke the license or permit authorized by subsection (1) or (7) of this section issued to any person for any of the grounds constituting cause for denial of

licenses or permits set forth in subsection (8) of this section.

(10) Before such refusal or revocation under subsection (8) or (9) of this section, the department shall grant the applicant a hearing and at least ten days written notice of the time and place of the hearing.

[1998 c 115 § 1; 1993 c 307 § 14; 1987 c 244 § 23; 1985 c 380 § 8.]

NOTES:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.085 Staggered renewal periods.

The department may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. The extension or diminishment of a vehicle license registration period must be by rule of the department. The rule shall provide for the collection of proportionally increased or decreased vehicle license registration fees and of excise or other taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing and maintaining a staggered vehicle registration system.

[1993 c 307 § 17.]

RCW 46.87.090 Apportioned vehicle license plates, cab card, validation tabs--Replacement--Fees.

(1) To replace an apportioned vehicle license plate(s), cab card, or validation tab(s) due to loss, defacement, or destruction, the registrant shall apply to the department on forms furnished for that purpose. The application, together with proper payment and other documentation as indicated, shall be filed with the department as follows:

(a) Apportioned plate(s) - a fee of ten dollars shall be charged for vehicles required to display two apportioned plates or five dollars for vehicles required to display one apportioned plate. The cab card of the vehicle for which a plate is requested shall accompany the application. The department shall issue a new apportioned plate(s) with validation tab(s) and a new cab card upon acceptance of the completed application form, old cab card, and the required replacement fee.

(b) Cab card - a fee of two dollars shall be charged for each card. If this is a duplicate cab card, it will be noted thereon.

(c) Validation year tab(s) - a fee of two dollars shall be charged for each vehicle.

(2) All fees collected under this section shall be deposited to the motor vehicle fund.

[1994 c 262 § 14; 1987 c 244 § 24; 1986 c 18 § 24; 1985 c 380 § 9.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.120 Mileage data for applications--Nonmotor vehicles.

(1) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the in-jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness. The department shall require a minimum estimated mileage of one trip state-line-to-state-line in each jurisdiction the carrier registers for operations.

(2) Fleets will consist of either motor vehicles or nonmotor vehicles, but not a mixture of both.

(3) In instances where the use of mileage accumulated by a nonmotor vehicle fleet is impractical, for the purpose of calculating prorate percentages, the registrant may request another method and/or unit of measure to be used in determining the prorate percentages. Upon receiving such request, the department may prescribe another method and/or unit of measure to be used in lieu of mileage that will ensure each jurisdiction that requires the registration of nonmotor vehicles its fair share of vehicle licensing fees and taxes.

(4) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation. Under the provisions of the Western Compact, this subsection applies to any fleet proportionally registered in Washington irrespective of the fleet's base jurisdiction.

[1997 c 183 § 4; 1990 c 42 § 113; 1987 c 244 § 25.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.130 Vehicle transaction fee.

In addition to all other fees prescribed for the proportional registration of vehicles under this chapter, the department shall collect a vehicle transaction fee each time a vehicle is added to a Washington-based fleet, and each time the proportional registration of a Washington-based vehicle is renewed. The transaction fee is also applicable to all foreign-based vehicles for which this state calculates and assesses fees/taxes for the state of Washington. The exact amount of the vehicle transaction fee shall be fixed by rule but shall not exceed ten dollars. This fee shall be deposited in the motor vehicle fund.

[1987 c 244 § 26.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.140 Application--Filing, contents--Fees and taxes--Assessments, due date.

(1) Any owner engaged in interstate operations of one or more fleets of apportionable or commercial vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The nonmotor vehicles of Washington-based fleets which are operated in IRP jurisdictions that require registration of such vehicles may be proportionally registered for operation in those jurisdictions as herein provided. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) A description and identification of each vehicle of the fleet. Motor vehicles and nonpower units shall be placed in separate fleets.

(b) If registering under the provisions of the IRP, the registrant shall also indicate member jurisdictions in which registration is desired and furnish such other information as those member jurisdictions require.

(c) An original or renewal application shall also be accompanied by a mileage schedule for each fleet.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorate percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated.

Washington-based nonmotor vehicles shall normally be fully licensed under the provisions of chapter 46.16 RCW. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable vehicles for the purpose of registration in those jurisdictions and this state. The prorate percentage for which registration fees and taxes were paid to such jurisdictions may be credited toward the one hundred percent of registration fees and taxes due this state for full licensing. Applicable fees and taxes for vehicles of Washington-based fleets are those prescribed under RCW 46.16.070, 46.16.085, 82.38.075, and *82.44.020, as applicable. If, during the registration period, the lessor of an apportioned vehicle changes and the vehicle remains in the fleet of the registrant, the department shall only charge those fees prescribed for the issuance of new apportioned license plates, validation tabs, and cab card.

(c) Multiply the total, proratable fees or taxes for each motor vehicle by the prorate percentage applicable to the desired jurisdiction and round the results to the nearest cent. Fees and taxes for nonmotor vehicles being prorated will be calculated as indicated in (b) of this

subsection.

(d) Add the total fees and taxes determined in (c) of this subsection for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, and the vehicle transaction fee pursuant to the provisions of RCW 46.87.130.

(e) Add the total fees and taxes determined in (d) of this subsection for each vehicle listed on the application. Assuming the fees and taxes calculated were for Washington, this would be the amount due and payable for the application under the provisions of the Western Compact. Under the provisions of the IRP, the amount due and payable for the application would be the sum of the fees and taxes referred to in (d) of this subsection, calculated for each member jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter.

[1997 c 183 § 5; 1991 c 339 § 10; 1990 c 42 § 114; 1987 c 244 § 27.]

NOTES:

***Reviser's note:** RCW 82.44.020 was repealed by 2000 1st sp.s. c 1 § 2.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.150 Overpayment, underpayment--Refund, additional charge.

Whenever a person has been required to pay a fee or tax pursuant to this chapter that amounts to an overpayment of ten dollars or more, the person is entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Nothing in this subsection precludes anyone from applying for a refund of such overpayment if the overpayment is less than ten dollars. Conversely, if the department or its agents has failed to charge and collect the full amount of fees or taxes pursuant to this chapter, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the fees and taxes due.

[1996 c 91 § 1; 1987 c 244 § 28.]

Notes:

Effective date--1996 c 91: "This act takes effect July 1, 1996." [1996 c 91 § 5.]

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.170 Recalculation of prorated percentage--Additional fees and taxes.

If the department determines that a Washington-based carrier has proportionally registered a fleet in this state under provisions of the Western Compact and this chapter and has

not fully or proportionally registered the fleet in another member jurisdiction(s) after indicating their intent to do so in their application to this state, the mileage traveled in such jurisdiction(s) shall be added to the Washington in-jurisdiction miles. The department shall then recalculate the carrier's Washington prorate percentage and shall assess and bill the registrant for the additional fees and taxes due the state of Washington.

[1987 c 244 § 30.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.180 Conditions on fleet vehicles.

The privileges and benefits of proportional registration of fleet vehicles extended by this chapter, or by any contract, agreement, arrangement, or declaration made under the authority of chapter 46.85 RCW or this chapter are subject to the conditions that:

(1) Each vehicle of the fleet proportionally registered under the authority of this chapter is also fully or proportionally registered in at least one other jurisdiction during the period for which it is proportionally registered in this state; and

(2) A fleet consists of the same vehicles in each jurisdiction in which the fleet is proportionally registered.

[1987 c 244 § 31.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.190 Suspension or cancellation of benefits.

The department may suspend or cancel the exemptions, benefits, or privileges granted under chapter 46.85 RCW or this chapter to any person or business firm who violates any of the conditions or terms of the IRP, Western Compact, or declarations, or who violates the laws of this state relating to the operation or registration of vehicles or rules lawfully adopted thereunder.

[1987 c 244 § 32.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.200 Refusal of registration--Federal heavy vehicle use tax.

The department may refuse registration of a vehicle if the applicant has failed to furnish proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the internal revenue code of 1954 has been suspended or paid. The department may adopt rules as deemed necessary to administer this section.

[1987 c 244 § 33.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.210 Refusal of application from nonreciprocal jurisdiction.

The department may refuse to accept proportional registration applications for the registration of vehicles based in another jurisdiction if the department finds that the other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by residents of this state.

[1987 c 244 § 34.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.220 Gross weight computation.

The gross weight in the case of a motor truck, tractor, or truck tractor is the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter gear, or pole trailer to be towed by it, to which shall be added the weight of the maximum load to be carried on it or towed by it as set forth by the licensee in the application providing it does not exceed the weight limitations prescribed by chapter 46.44 RCW.

The gross weight in the case of a bus, auto stage, or for hire vehicle, except a taxicab, with a seating capacity over six, is the scale weight of the bus, auto stage, or for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

A motor vehicle or combination of vehicles found to be loaded beyond the licensed gross weight of the motor vehicle registered under this chapter shall be cited and handled under RCW 46.16.140 and 46.16.145.

[1987 c 244 § 35.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.230 Responsibility for unlawful acts or omissions.

Whenever an act or omission is declared to be unlawful under chapter 46.12, 46.16, or 46.44 RCW or this chapter, and if the operator of the vehicle is not the owner or lessee of the vehicle but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and the owner or lessee are both subject to this chapter, with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or the lessee of the vehicle, that person is fully authorized to accept the citation or notice of infraction and execute the promise to appear on behalf of the owner or lessee.

[1987 c 244 § 36.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.240 Relationship of department with other jurisdictions.

Under the provisions of the IRP, the department may act in a quasi-agency relationship with other jurisdictions. The department may collect and forward applicable registration fees and taxes and applications to other jurisdictions on behalf of the applicant or another jurisdiction and may take other action that facilitates the administration of the plan.

[1987 c 244 § 37.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.250 Authority of chapter.

This chapter constitutes complete authority for the registration of fleet vehicles upon a proportional registration basis without reference to or application of any other statutes of this state except as expressly provided in this chapter.

[1987 c 244 § 38.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.260 Alteration or forgery of cab card or letter of authority--Penalty.

Any person who alters or forges or causes to be altered or forged any cab card, letter of authority, or other temporary authority issued by the department under this chapter or holds or uses a cab card, letter of authority, or other temporary authority, knowing the document to have been altered or forged, is guilty of a felony.

[1987 c 244 § 39.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.270 Gross weight on vehicle.

Every Washington-based motor vehicle registered under this chapter shall have the maximum gross weight or maximum combined gross weight for which the vehicle is licensed in this state, painted or stenciled in letters or numbers of contrasting color not less than two inches in height in a conspicuous place on the right and left sides of the vehicle. It is unlawful for the owner or operator of any motor vehicle to display a maximum gross weight or maximum combined gross weight other than that shown on the current cab card of the vehicle.

[1990 c 250 § 77; 1987 c 244 § 40.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.280 Effect of other registration.

Nothing contained in this chapter relating to proportional registration of fleet vehicles requires any vehicle to be proportionally registered if it is otherwise registered for operation on the highways of this state.

[1987 c 244 § 41.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.290 Refusal, cancellation of application, cab card--Procedures, penalties.

If the department determines at any time that an applicant for proportional registration of a vehicle or a fleet of vehicles is not entitled to a cab card for a vehicle or fleet of vehicles, the department may refuse to issue the cab card(s) or to license the vehicle or fleet of vehicles and may for like reason, after notice, and in the exercise of discretion, cancel the cab card(s) and license plate(s) already issued. The department shall send the notice of cancellation by first class mail, addressed to the owner of the vehicle in question at the owner's address as it appears in the proportional registration records of the department, and record the transmittal on an affidavit of first class mail. It is then unlawful for any person to remove, drive, or operate the vehicle(s) until a proper certificate(s) of registration or cab card(s) has been issued. Any person removing, driving, or operating the vehicle(s) after the refusal of the department to issue a cab card(s), certificate(s) of registration, license plate(s), or the revocation or cancellation of the cab card(s), certificate(s) of registration, or license plate(s) is guilty of a gross misdemeanor. At the discretion of the department, a vehicle that has been moved, driven, or operated in violation of this section may be impounded by the Washington state patrol, county sheriff, or city police in a manner directed for such cases by the chief of the Washington state patrol until proper registration and license plate have been issued.

[1997 c 183 § 6; 1987 c 244 § 42.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.300 Appeal of suspension, revocation, cancellation, refusal.

The suspension, revocation, cancellation, or refusal by the director, or the director's designee, of a license plate(s), certificate(s) of registration, or cab card(s) provided for in this chapter is conclusive unless the person whose license plate(s), certificate(s) of registration, or cab card(s) is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at the person's option if a resident of Washington, to the superior court of his or her county of residence, for the purpose of having the suspension, revocation, cancellation, or refusal of the license plate(s), certificate(s) of registration, or cab card(s) set aside. Notice of appeal shall be filed within ten calendar days after service of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the appeal, the court shall issue an order to the director to show cause why the license(s) should not be granted or reinstated. The director shall respond to the order within ten days after the date of service of the order upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil

actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters related to the suspension, revocation, cancellation, or refusal of the license plate(s), certificate(s) of registration, or cab card(s) and shall enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

[1987 c 244 § 43.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.310 Application records--Preservation, contents, audit--Additional assessments, penalties, refunds.

Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the preceding year or period upon which the application is based. These records shall be complete and shall include, but not be limited to, the following: Copies of proportional registration applications and supplements for all jurisdictions in which the fleet is prorated; proof of proportional or full registration with other jurisdictions; vehicle license or trip permits; temporary authorization permits; documents establishing the latest purchase year and cost of each fleet vehicle in ready-for-the-road condition; weight certificates indicating the unladen, ready-for-the-road, weight of each vehicle in the fleet; periodic summaries of mileage by fleet and by individual vehicles; individual trip reports, driver's daily logs, or other source documents maintained for each individual trip that provide trip dates, points of origin and destinations, total miles traveled, miles traveled in each jurisdiction, routes traveled, vehicle equipment number, driver's full name, and all other information pertinent to each trip. Upon request of the department, the owner shall make the records available to the department at its designated office for audit as to accuracy of records, computations, and payments. The department shall assess and collect any unpaid fees and taxes found to be due the state and provide credits or refunds for overpayments of Washington fees and taxes as determined in accordance with formulas and other requirements prescribed in this chapter. If the owner fails to maintain complete records as required by this section, the department shall attempt to reconstruct or reestablish such records. However, if the department is unable to do so and the missing or incomplete records involve mileages accrued by vehicles while they are part of the fleet, the department may assess an amount not to exceed the difference between the Washington proportional fees and taxes paid and one hundred percent of the fees and taxes. Further, if the owner fails to maintain complete records as required by this section, or if the department determines that the owner should have registered more vehicles in this state under this chapter, the department may deny the owner the right of any further benefits provided by this chapter until any final audit or assessment made under this chapter has been satisfied.

The department may audit the records of any owner and may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any fees, taxes, penalties, or interest found to be due and

owing the state upon audit shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount should have been paid until the date of payment. If the audit discloses a deliberate and willful intent to evade the requirements of payment under RCW 46.87.140, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of ten dollars has been made, the department shall certify the overpayment to the state treasurer who shall issue a warrant for the overpayment to the vehicle operator. Overpayments shall bear interest at the rate of eight percent per annum from the date on which the overpayment is incurred until the date of payment.

[1996 c 91 § 2; 1993 c 307 § 15; 1987 c 244 § 44.]

Notes:

Effective date--1996 c 91: See note following RCW 46.87.150.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.320 Departmental audits, investigations--Subpoenas.

The department may initiate and conduct audits and investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it.

For the purpose of any audit, investigation, or proceeding under this chapter the director or any designee of the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, paper, correspondence, memoranda, agreements, or other documents or records that the department deems relevant or material to the inquiry.

In case of contumacy or refusal to obey a subpoena issued to any person, any court of competent jurisdiction upon application by the department, may issue an order requiring that person to appear before the director or the officer designated by the director to produce testimony or other evidence touching the matter under audit, investigation, or in question. Failure to obey an order of the court may be punishable by contempt.

[1987 c 244 § 45.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.330 Assessments--When due, penalties--Reassessment--Petition, notice, service--Injunctions, writs of mandate restricted.

An owner of proportionally registered vehicles against whom an assessment is made under RCW 46.87.310 may petition for reassessment thereof within thirty days after service of notice of the assessment upon the owner of the proportionally registered vehicles. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that time period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the petitioner has so requested in the petition, shall grant the

petitioner an oral hearing and give the petitioner ten days notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service upon the petitioner of notice of the decision.

Every assessment made under RCW 46.87.310 becomes due and payable at the time it is served on the owner. If the assessment is not paid in full when it becomes final, the department shall add a penalty of ten percent of the amount of the assessment.

Any notice of assessment, reassessment, oral hearing, or decision required by this section shall be served personally or by mail. If served by mail, service is deemed to have been accomplished on the date the notice was deposited in the United States mail, postage prepaid, addressed to the owner of the proportionally registered vehicles at the owner's address as it appears in the proportional registration records of the department.

No injunction or writ of mandate or other legal or equitable process may be issued in any suit, action, or proceeding in any court against any officer of the state to prevent or enjoin the collection under this chapter of any fee or tax or any amount of fee or tax required to be collected, except as specifically provided for in chapter 34.05 RCW.

[1996 c 91 § 3; 1987 c 244 § 46.]

Notes:

Effective date--1996 c 91: See note following RCW 46.87.150.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.335 Mitigation of assessments.

Except in the case of violations of filing a false or fraudulent application, if the department deems mitigation of penalties, fees, and interest to be reasonable and in the best interests of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

[1994 c 262 § 15; 1991 c 339 § 5.]

RCW 46.87.340 Assessments--Lien for nonpayment.

If an owner of proportionally registered vehicles liable for the remittance of fees and taxes imposed by this chapter fails to pay the fees and taxes, the amount thereof, including any interest, penalty, or addition to the fees and taxes together with any additional costs that may accrue, constitutes a lien in favor of the state upon all franchises, property, and rights to property, whether the property is employed by the person for personal or business use or is in the hands of a trustee, receiver, or assignee for the benefit of creditors, from the date the fees and taxes were due and payable until the amount of the lien is paid or the property is sold to pay the lien. The lien has priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that the lien is not valid as against any bona fide

mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached before the time the department has filed and recorded notice of the lien as provided in this chapter.

In order to avail itself of the lien created by this section, the department shall file with any county auditor a statement of claim and lien specifying the amount of delinquent fees and taxes, penalties, and interest claimed by the department. From the time of filing for record, the amount required to be paid constitutes a lien upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by the person in the county. Any lien as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state is of no effect, however, until the lien or a copy of it has been filed with the county auditor in the county where the property is located. When a lien is filed in compliance with this section and with the secretary of state, the filing has the same effect as if the lien had been duly filed for record in the office of each county auditor of this state.

[1993 c 307 § 16; 1987 c 244 § 47.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.350 Delinquent obligations--Notice--Restriction on credits or property--Default judgments--Lien.

If an owner of proportionally registered vehicles for which an assessment has become final is delinquent in the payment of an obligation imposed under this chapter, the department may give notice of the amount of the delinquency by registered or certified mail to all persons having in their possession or under their control any credits or other personal property belonging to the vehicle owner or owing any debts to the owner, at the time of the receipt by them of the notice. Thereafter, a person so notified shall neither transfer nor make other disposition of those credits, personal property, or debts until the department consents to a transfer or other disposition. A person so notified shall, within twenty days after receipt of the notice, advise the department of any and all such credits, personal property, or debts in their possession, under their control or owing by them, as the case may be, and shall forthwith deliver such credits, personal property, or debts to the department or its duly authorized representative to be applied to the indebtedness involved.

If a person fails to answer the notice within the time prescribed by this section, it is lawful for the court upon application of the department and after the time to answer the notice has expired, to render judgment by default against the person for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

Upon service, the notice and order to withhold and deliver constitutes a continuing lien on property of the taxpayer. The department shall include in the caption of the notice to withhold and deliver "continuing lien." The effective date of a notice to withhold and deliver served under this section is the date of service of the notice.

[1994 c 262 § 16; 1987 c 244 § 48.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.360 Delinquent obligations--Collection by department--Seizure of property, notice, sale.

Whenever the owner of proportionally registered vehicles is delinquent in the payment of an obligation imposed under this chapter, and the delinquency continues after notice and demand for payment by the department, the department may proceed to collect the amount due from the owner in the following manner: The department shall seize any property subject to the lien of the fees, taxes, penalties, and interest and sell it at public auction to pay the obligation and any and all costs that may have been incurred because of the seizure and sale. Notice of the intended sale and its time and place shall be given to the delinquent owner and to all persons appearing of record to have an interest in the property. The notice shall be given in writing at least ten days before the date set for the sale by registered or certified mail addressed to the owner as appearing in the proportional registration records of the department and, in the case of any person appearing of record to have an interest in such property, addressed to that person at their last known residence or place of business. In addition, the notice shall be published at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper in the county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the property to be sold, a statement of the amount due under this chapter, the name of the owner of the proportionally registered vehicles, and the further statement that unless the amount due is paid on or before the time fixed in the notice the property will be sold in accordance with law.

The department shall then proceed to sell the property in accordance with law and the notice, and shall deliver to the purchaser a bill of sale or deed that vests title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state under this chapter from the delinquent owner, the excess shall be returned to the delinquent owner and his receipt obtained for it. The department may withhold payment of the excess to the delinquent owner if a person having an interest in or lien upon the property has filed with the department their notice of the lien or interest before the sale, pending determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the delinquent owner is not available, the department shall deposit the excess with the state treasurer as trustee for the delinquent owner.

[1987 c 244 § 49.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.370 Warrant for final assessments--Lien on property.

Whenever any assessment has become final in accordance with this chapter, the department may file with the clerk of any county within this state a warrant in the amount of fees, taxes, penalties, interest, and a filing fee under RCW 36.18.012(10). The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number

for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant the name of the delinquent owner of proportionally registered vehicles mentioned in the warrant, the amount of the fees, taxes, penalties, interest, and filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed constitutes a lien upon the title to, and interest in, all real and personal property of the named person against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of the clerk. A warrant so docketed is sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law in the case of civil judgment wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant.

[2001 c 146 § 6; 1987 c 244 § 50.]

NOTES:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.380 Delinquent obligations--Collection by attorney general.

Whenever an owner of proportionally registered vehicles is delinquent in the payment of an obligation under this chapter the department may transmit notices of the delinquency to the attorney general who shall at once proceed to collect by appropriate legal action the amount due the state from the delinquent owner.

In a suit brought to enforce the rights of the state under this chapter, a certificate by the department showing the delinquency is prima facie evidence of the amount of the obligation, of the delinquency thereof, and of compliance by the department with all provisions of this chapter relating to the obligation.

[1987 c 244 § 51.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.390 Remedies cumulative.

The remedies of the state in this chapter are cumulative, and no action taken by the department may be construed to be an election on the part of the state or any of its officers to pursue any remedy under this chapter to the exclusion of any other remedy provided for in this chapter.

[1987 c 244 § 52.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.400 Civil immunity.

(1) The director, the state of Washington, and its political subdivisions are immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle.

(2) No suit or action may be commenced or prosecuted against the director or the state of

Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter.

[1987 c 244 § 53.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.410 Bankruptcy proceedings--Notice.

A proportional registration licensee, who files or against whom is filed a petition in bankruptcy, shall, within ten days of the filing, notify the department of the proceedings in bankruptcy, including the identity and location of the court in which the proceedings are pending.

[1997 c 183 § 1.]

RCW 46.87.900 Severability--1985 c 380.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1985 c 380 § 26.]

RCW 46.87.901 Effective date--1986 c 18; 1985 c 380.

Chapter 380, Laws of 1985 and this 1986 act shall take effect on January 1st 1987. The new fees required by RCW 46.16.070, *46.16.080, 46.16.090, and 46.16.085 shall be assessed beginning with the renewal of vehicle registrations with a December 1986 expiration date or later and all initial registrations that become effective on or after January 1, 1987. The director of the department of licensing may immediately take such steps as are necessary to insure that this act is implemented on its effective date.

[1986 c 18 § 27; 1985 c 380 § 25.]

Notes:

***Reviser's note:** RCW 46.16.080 was repealed by 1994 c 262 § 28, effective July 1, 1994.

RCW 46.87.910 Short title.

This chapter may be known and cited as "Proportional Registration."

[1987 c 244 § 54.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

Chapter 46.88 RCW

OUT-OF-STATE COMMERCIAL VEHICLES--INTRASTATE PERMITS

Sections

46.88.010 Commercial vehicles registered in another state--Permits for intrastate operations.

RCW 46.88.010 Commercial vehicles registered in another state--Permits for intrastate operations.

The owner of any commercial vehicle or vehicles lawfully registered in another state and who wishes to use such vehicle or vehicles in this state in intrastate operations for periods less than a year may obtain permits for such operations upon application to the department. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall be one-twelfth of the fees provided for in RCW 46.16.070 or 46.16.085, as appropriate, and *82.44.020 for each thirty days' operations provided for in the permit.

[1986 c 18 § 25; 1979 c 158 § 202; 1969 ex.s. c 281 § 32.]

NOTES:

***Reviser's note:** RCW 82.44.020 was repealed by 2000 1st sp.s. c 1 § 2.

Effective date--1986 c 18: See RCW 46.87.901.

Effective date--1969 ex.s. c 281: "This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and except for sections 32 and 54 of this 1969 amendatory act shall take effect immediately. Sections 32 and 54 of this 1969 amendatory act shall take effect January 1, 1970." [1969 ex.s. c 281 § 63.]

Chapter 46.90 RCW WASHINGTON MODEL TRAFFIC ORDINANCE

Sections

46.90.005 Purpose.

46.90.010 Adoption of model traffic ordinance--Amendments.

RCW 46.90.005 Purpose.

The purpose of this chapter is to encourage highway safety and uniform traffic laws by authorizing the department of licensing to adopt a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts that body of rules by reference may at any time exclude any section or sections of those rules that it does not desire to include in its local traffic ordinance. The rules are not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available.

[1993 c 400 § 1; 1975 1st ex.s. c 54 § 1.]

Notes:

Effective dates--1993 c 400: "(1) Sections 3 through 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993].

(2) Sections 1 and 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

(3) Section 6 of this act takes effect July 1, 1994." [1993 c 400 § 7.]

RCW 46.90.010 Adoption of model traffic ordinance--Amendments.

In consultation with the chief of the Washington state patrol and the traffic safety commission, the director shall adopt in accordance with chapter 34.05 RCW a model traffic ordinance for use by any city, town, or county. The addition of any new section to, or amendment or repeal of any section in, the model traffic ordinance is deemed to amend any city, town, or county, ordinance which has adopted by reference the model traffic ordinance or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7).

[1993 c 400 § 2; 1975 1st ex.s. c 54 § 2.]

Notes:

Effective dates--1993 c 400: See note following RCW 46.90.005.

**Chapter 46.94 RCW
MOTORCYCLE DEALERS' FRANCHISE ACT**

(Revised November 3, 1988, under the Washington Supreme Court decision in *Washington State Motorcycle Dealers Association, Et al, v. The State of Washington*, 763 P.2d 442, 111 Wash.2d 667 (1988), which declared invalid the five item vetoes to chapter 472, Laws of 1985 (Engrossed Substitute Senate Bill 3333). The Governor exercised his veto power by attempting to excise parts of sections 3, 4, 5, 8, and 10. The vetoed material is restored as parts of RCW 46.94.010, 46.94.020, 46.94.030, 46.94.040, and 46.94.060.)

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| 46.94.060 | Civil remedies. |
| 46.94.900 | Severability--1985 c 472. |

RCW 46.94.001 Short title.

This chapter shall be known as the motorcycle dealers' franchise act.

[1985 c 472 § 1.]

RCW 46.94.005 Legislative intent.

The legislature recognizes it is in the best public interest for manufacturers and dealers of motorcycles to conduct business with each other in a fair, efficient, and competitive manner. The legislature declares the public interest is best served by dealers being assured of the ability to manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference, receive adequate allocations of merchandise in a timely manner at competitive prices, and transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motorcycle industry to the extent necessary to balance fairness and efficiency. These actions will assure the public that motorcycle dealers will devote their best competitive efforts and resources to the sale and service of the manufacturer's products which the dealer has been granted the right to sell and service.

[1985 c 472 § 2.]

RCW 46.94.010 Definitions.

As used in this chapter:

- (1) "Department" means the department of licensing.
- (2) "Designated family member" means (a) an heir as defined in RCW 11.02.005(6) if the motorcycle dealer dies intestate or (b) a legatee or devisee as used in Title 11 RCW if the deceased motorcycle dealer leaves a will. A Motorcycle dealer also may name in a notarized statement any person as the designated family member for the purposes of receiving an interest in the motorcycle dealership. Title 11 RCW applies to this chapter. However, in cases of conflict, the notarized inter vivos designation prevails over testamentary and intestate succession. Notarized inter vivos designations under this subsection are not codicils to wills.
- (3) "Distributor" means a person, whether a resident or nonresident, other than a manufacturer, who sells, leases, or distributes motorcycles to motorcycle dealers, or controls any other person, other than a manufacturer, who sells, leases, or distributes motorcycles to motorcycle dealers.
- (4) "Distributor branch" means a branch office maintained by the distributor or wholesaler.
- (5) "Distributor representative" means a representative employed by a distributor or wholesaler for the purpose of selling or promoting the sale or lease of the distributor's or wholesaler's motorcycles to motorcycle dealers, or for the purpose of supervising or contacting dealers.
- (6) "Factory branch" means a branch office maintained by a manufacturer in order to

direct and supervise the representatives of the manufacturer.

(7) "Factory representative" means a person employed by a manufacturer for the purpose of making or promoting the sale or lease of the manufacturer's motorcycles to dealers, distributors, or prospective motorcycle dealers.

(8) "Franchise" means an oral or written contract, to include a dealer agreement, either expressed or implied, between a franchisor and a motorcycle dealer which purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motorcycles manufactured, distributed, or imported by the franchisor; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the franchisor; and (c) the dealer's business relies on the franchisor for a continued supply of motorcycles, parts, and accessories.

(9) "Franchisor" means any person who enters into a franchise with a motorcycle dealer.

(10) "Manufacturer" means any person, firm, association, corporation, or trust that manufactures or provides assemblies for motorcycles.

(11) "Motorcycle" means any motor vehicle which has an unladen weight of less than fifteen hundred pounds, including any parts, accessories, equipment, or special tools designated or intended for use on or with those motor vehicles, and (a) which is self-propelled and capable of use and operation on the public highways and streets; or (b) which is a self-propelled, off-road vehicle, tired or nontired, capable of transporting individuals on or off public highways and streets. "Motorcycle" excludes farm tractors, golf carts, firefighting equipment, any motor vehicle designed solely for industrial purposes, and lawnmowers.

(12) "Motorcycle dealer" or "dealer" means a person operating under a dealer agreement or franchise with a franchisor who is engaged regularly in the business of buying, selling, exchanging, offering, brokering, or leasing with an option to purchase new or used motorcycles in the state, with a place of business in the state.

(13) "New motorcycle" means a motorcycle that has been sold or transferred to a motorcycle dealer and that has not been used for other than demonstration purposes, and on which the original title has not been issued from the motorcycle dealer. The term includes motorcycles not of the current model year comprising part of the dealer's inventory.

(14) "Person" means any natural person, partnership, stock company, corporation, trust, agency, or other legal entity, as well as any individual officers, directors, or other persons in active control of the activities of the entity.

(15) "Place of business" means a permanent, enclosed commercial building, situated within the state, and the real property on which it is located, at which the business of a motorcycle dealer, including the display and repair of motorcycles, may be lawfully conducted in accordance with the terms of all applicable laws and in the building the public may contact the motorcycle dealer or his or her employees at all reasonable times.

(16) "Relevant market area" means a ten-mile radius around a proposed place of business.

[1985 c 472 § 3.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.020 Prohibited trade practices.

Acts or conduct described in this section constitute prohibited trade practices that cannot be waived. It is a prohibited trade practice for a franchisor or its manufacturers, distributors, subsidiaries, or other agents:

(1) To require, coerce or attempt to require, or coerce, either directly or indirectly, any motorcycle dealer to:

(a) Accept, buy, or order any motorcycle, part or accessory, or any other commodity or service not voluntarily ordered, or requested, or to buy, order, or pay anything of value for such items in order to obtain any motorcycle part, accessory, or other commodity which has been voluntarily ordered or requested;

(b) Order or accept delivery of any motorcycle with special features, accessories, or equipment not included in the list price of the motorcycle as advertised by the manufacturer, except items which have been voluntarily requested or ordered by the dealer, and except items required by law;

(c) Enter into any agreement or understanding resulting in a reduction of the dealer's allocation of motorcycles for reasons other than reduced production levels causing uniformly and proportionally applied reductions to all dealers;

(d) Enter into any agreement or sales promotion program by threatening to terminate the franchise of the dealer;

(e) Refrain from participation in the management, investment, acquisition, or sale of any other related product or product line of motor vehicles, parts, or accessories;

(f) Enter into any agreement violating this chapter; or

(g) Enter into an agreement by which the franchisor, manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative can directly solicit the dealer's customers.

(2) To terminate, refuse to renew, fail to extend, or fail to renew any franchise without good cause. Good cause includes but is not limited to:

(a) The amount of business transacted by the dealer as compared to the amount of business available to the dealer;

(b) The investment necessarily made and obligations necessarily incurred by the dealer in the performance of the franchise;

(c) The degree of the dealer's investment, including but not limited to the dealer's purchase or lease of real property for the dealership, the training given to the dealer's employees, and the amount of equipment purchased for the dealership;

(d) The adequacy of the dealer's new motorcycle sales and service facilities, equipment, and parts;

(e) The qualifications and performance of the management, sales, and service personnel to provide the consumer with reasonably good service and care of new motorcycles;

(f) The failure of the dealer to substantially comply in good faith with the reasonable

requirements of the franchise;

(g) The adequacy of the franchisor's actual quantities delivered of motorcycles, parts, and accessories compared to quantities promised by the franchisor;

(h) The effect on the retail motorcycle business and the consuming public in the dealer's market area;

(i) Whether the dealer has exercised prudent business judgment.

The dealer shall be notified, in writing, not less than ninety days before termination or nonrenewal with reasons for the actions. If the termination or nonrenewal is based on termination or discontinuance of the product line, the dealer shall be notified not less than one hundred eighty days prior to termination or nonrenewal. All existing franchises shall continue operation under a newly appointed distributor upon the termination of an existing distributor unless a mutual agreement of termination is filed between the new distributor and the affected dealer.

(3) To require a change in capital structure, or means of financing, if the dealer at all times meets the reasonable, written, and uniformly applied capital standards determined by the manufacturer, franchisor, or distributor;

(4) To prevent or attempt to prevent a dealer from making reasonable changes in the capital structure of a dealership or the means by which the dealership is financed if the dealer meets the reasonable, written, and uniformly applied capital requirements determined by the manufacturer, franchisor, or distributor;

(5) To unreasonably require a change in the location of the dealership or any substantial alterations to the place of business;

(6) To condition renewal or extension of the franchise on substantial renovation of the existing place of business or on the construction, purchase, acquisition, or lease of a new place of business unless written notice is first provided one hundred eighty days prior to the date of renewal or extension and the franchisor demonstrates the reasonableness of the requested actions. The franchisor shall agree to supply the dealer with an adequate quantity of motorcycles, parts, and accessories to meet the sales level necessary to support the overhead resulting from substantial renovation, construction, acquisition, or lease of a new place of business;

(7) To adopt, establish, or implement a plan or system, or to modify an existing plan or system, for the distribution or allocation of motorcycles which is arbitrary, in bad faith, or unconscionable and which damages the dealer or the dealer's customers;

(8) To fail or refuse to disclose to the dealer, after written request, the basis upon which new motorcycles of the same line are currently or will in the future be allocated or distributed to dealers;

(9) To fail or refuse to disclose to dealers, after written request, the total number of new motorcycles of a given model which the manufacturer, franchisor, or distributor has sold during the current model year within the dealer's marketing district, zone, or region;

(10) To refuse or fail to deliver any motorcycle, part, or accessory in reasonable quantities, and within a reasonable time after receipt of the order from the dealer, that is specifically advertised as being immediately available. It is not a prohibited trade practice when the failure to deliver is caused by an act of God, strike, material shortage, or other cause over

which the manufacturer, distributor, or franchisor has no control;

(11) To offer a renewal, replacement, or succeeding franchise containing terms substantially modifying the sales and service obligations or capital requirements of the motorcycle dealer, other than as provided for in this chapter;

(12) To sell or lease or offer to sell or lease to a dealer a new motorcycle, including any motorcycle under a sales promotion plan, at a lower price than offered or sold to another similarly situated dealer for the same model, except where the dealer is offered, sold, or leased a new motorcycle at a discount in exchange for providing valuable services to the franchisor, manufacturer, or distributor and except in those instances where a dealer orders motorcycles in sufficient numbers to qualify for volume discounts and as long as discounts are available to all dealers;

(13) To prevent, attempt to prevent, or unreasonably disapprove any motorcycle dealer from changing executive management control of the dealer's motorcycle business, unless the change results in control by a person not of good moral character or who does not meet the manufacturer, distributor, or franchisor's existing and reasonable, written, and uniformly applied capital standards. The dealer shall be given written notice of the reasons for rejection within thirty days of receipt of notice from the dealer of a proposed change;

(14) To reject, prevent, or attempt to prevent any person from selling or transferring a controlling interest to any other person unless the buyer or transferee does not qualify under appropriate state law as a licensed dealer, is not of good moral character, does not meet the manufacturer, distributor, or franchisor's existing and reasonable, written, and uniformly applied capital standards, or does not meet the written and uniformly applied manufacturer, distributor, or franchisor business experience standards for the market area. The dealer shall be given written notice setting forth the reasons for rejection of the proposed sale or transfer within thirty days of notice by the dealer of the sale or transfer;

(15) To fail to hold harmless and indemnify any motorcycle dealer against losses, including lawsuits and court costs, arising from: (a) The manufacture or performance of any motorcycle, part, or accessory if the lawsuit involves representations by the manufacturer, distributor, or franchisor on the manufacture or performance of a motorcycle without negligence on the part of the motorcycle dealer; (b) damage to merchandise in transit where the manufacturer, distributor, or franchisor specifies the carrier; (c) the manufacturer, distributor, or franchisor's failure to jointly defend product liability suits concerning the motorcycle, part, or accessory provided to the dealer; or (d) any other act performed by the manufacturer, distributor, or franchisor;

(16) To unfairly prevent or attempt to prevent a motorcycle dealer from receiving reasonable compensation for the value of a motorcycle;

(17) To release confidential information provided by the motorcycle dealer to the manufacturer, distributor, or franchisor without the written prior consent of the dealer;

(18) To fail to pay to a motorcycle dealer, within a reasonable time following receipt of a valid claim, any payment agreed to be made by the manufacturer, distributor, or franchisor on grounds that a new motorcycle, or a prior year's model, is in the dealer's inventory at the time of introduction of new model motorcycles;

(19) To deny any dealer the right of free association with any other dealer for any lawful purpose;

(20) To artificially and intentionally create a shortage of any motorcycle make, model, or series that results in the inequitable distribution of the make, model, or series to dealers;

(21) To charge increased prices without having given written notice to the dealers at least fifteen days prior to the effective date of the price increases;

(22) To permit factory authorized warranty service to be performed upon motorcycles or accessories by persons other than their franchised motorcycle dealers;

(23) To unreasonably interfere with a dealer's performance under the franchise agreement's sale quota by withholding sufficient deliveries of motorcycles; or

(24) To own, operate, or control any motorcycle dealer or place of business selling at retail in the state.

[1985 c 472 § 4.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.030 Succession to business by designated family member.

(1) The manufacturer, distributor, or franchisor shall not prevent, attempt to prevent, refuse to give effect to, attempt to refuse to give effect to, or in any way hinder the succession to the ownership, management, control, or continuance of a dealer's motorcycle business by a designated family member upon the death or incapacity of the dealer, except as otherwise provided in this chapter.

(2) A designated family member, at his or her discretion, may succeed the dealer in ownership or management control under the existing agreement. The designated family member shall provide notice to the franchisor, in writing, of the intention to succeed to the franchise within one hundred twenty days after the dealer's death or incapacity. The designated family member shall agree to be bound by the terms of the original franchise. The designated family member shall meet the reasonable, written, and uniformly applied conditions applied by the franchisor under the existing franchise.

(3) A designated family member may only be rejected for succession on reasonable grounds. The franchisor shall provide written notice to the designated family member within sixty days of receipt of notice of the intention to succeed. The notice shall state the specific grounds for refusal, termination, or nonrenewal of the franchise and shall not take effect less than ninety days after receipt of the notice by the designated family member. If notice is not served within the designated time period, the franchise shall continue in effect with the designated family member.

(4) The designated family member may appeal to the appropriate court within ninety days of receipt of notice of refusal, termination, or nonrenewal. The franchisor has the burden of proving reasonable grounds. A designated family member prevailing in such action shall recover reasonable costs and attorney's fees.

(5) A dealer may designate any person as the recipient of the franchise by making a

notarized statement in accordance with RCW 46.94.010(2). The statement shall be filed with the franchisor. The statement shall be controlling and binding on all heirs and testamentary successors. The recipient shall agree to be bound by the terms of the original franchise. The recipient shall meet the reasonable, written, and uniformly applied conditions applied by the franchisor under the existing franchise.

[1985 c 472 § 5.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.040 Compensation for warranty, delivery, preparation expenses.

(1) The manufacturer, distributor, or franchisor shall compensate the dealer for labor, parts, and other expenses incurred to comply with the manufacturer, distributor, or franchisor's warranty agreements, and for work and services performed in connection with delivery and preparation of motorcycles received from the manufacturer, distributor, or franchisor. The compensation shall not be less than the rates reasonably charged by the dealer for like services and parts to retail customers.

(2) All claims for compensation made by the dealer shall be paid within thirty days after approval and shall be approved or disapproved within thirty days of their receipt by the manufacturer, distributor, or franchisor.

Any denial of claim shall be in writing and shall set forth the specific grounds for denial.

(3) A claim that has been approved and paid shall not be charged back to the dealer unless it is established the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective condition, or the dealer failed to reasonably substantiate the claim.

[1985 c 472 § 8.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.050 Prohibited financial practices.

No manufacturer, distributor, or franchisor shall require or coerce any dealer to sell, assign, or transfer a retail sales installment contract, or require the dealer to act as an agent for any manufacturer, distributor, or franchisor in the securing of a promissory note, a security agreement given in connection with the sale of a motorcycle, or securing of a policy of insurance for a motorcycle. The manufacturer, distributor, or franchisor may not condition delivery of motorcycles, parts, or accessories upon the dealer's assignment, sale, or other transfer of sales installment contracts to specific finance companies.

[1985 c 472 § 9.]

RCW 46.94.060 Civil remedies.

Any person injured by a violation of this chapter may bring a civil action in a court of

competent jurisdiction to enjoin further violations or to recover damages. Injunctive relief may be granted in an action brought under this chapter without the dealer being required to post a bond if, in the opinion of the court, there exists a likelihood the dealer may prevail upon the merits.

[1985 c 472 § 10.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.900 Severability--1985 c 472.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1985 c 472 § 14.]

**Chapter 46.96 RCW
MANUFACTURERS' AND DEALERS' FRANCHISE AGREEMENTS**

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RCW 46.96.010 Legislative findings.

The legislature finds and declares that the distribution and sale of motor vehicles in this state vitally affect the general economy of the state and the public interest and public welfare, that provision for warranty service to motor vehicles is of substantial concern to the people of this state, that the maintenance of fair competition among dealers and others is in the public interest, and that the maintenance of strong and sound dealerships is essential to provide continuing and necessary reliable services to the consuming public in this state and to provide stable employment to the citizens of this state. The legislature further finds that there is a substantial disparity in bargaining power between automobile manufacturers and their dealers, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate the relationship between motor vehicle dealers and motor vehicle manufacturers, importers, distributors, and their representatives doing business in this state, not only for the protection of dealers but also for the benefit for the public in assuring the continued availability and servicing of automobiles sold to the public.

The legislature recognizes it is in the best interest for manufacturers and dealers of motor vehicles to conduct business with each other in a fair, efficient, and competitive manner. The legislature declares the public interest is best served by dealers being assured of the ability to manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference and are assured of the ability to transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motor vehicle industry to the extent necessary to balance fairness and efficiency. These actions will permit motor vehicle dealers to better serve consumers and allow dealers to devote their best competitive efforts and resources to the sale and services of the manufacturer's products to consumers.

[1989 c 415 § 1.]

RCW 46.96.020 Definitions.

In addition to the definitions contained in RCW 46.70.011, which are incorporated by reference into this chapter, the definitions set forth in this section apply only for the purposes of this chapter.

(1) A "new motor vehicle" is a vehicle that has not been titled by a state and ownership of which may be transferred on a manufacturer's statement of origin (MSO).

(2) "New motor vehicle dealer" means a motor vehicle dealer engaged in the business of buying, selling, exchanging, or otherwise dealing in new motor vehicles or new and used motor vehicles at an established place of business, under a franchise, sales and service agreement, or contract with the manufacturer of the new motor vehicles. However, the term "new motor vehicle dealer" does not include a miscellaneous vehicle dealer as defined in RCW 46.70.011(3)(c) or a motorcycle dealer as defined in chapter 46.94 RCW.

(3) "Franchise" means one or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer.

"Franchise" includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

(4) "Good faith" means honesty in fact and fair dealing in the trade as defined and interpreted in RCW 62A.2-103.

(5) "Designated successor" means:

(a) The spouse, biological or adopted child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or similar document, and if there is no such will or similar document, then under applicable intestate laws;

(b) A qualified person experienced in the business of a new motor vehicle dealer who has been nominated by the owner of a new motor vehicle dealership as the successor in a written, notarized, and witnessed instrument submitted to the manufacturer; or

(c) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(6) "Owner" means a person holding an ownership interest in the business entity operating as a new motor vehicle dealer and who is the designated dealer in the new motor vehicle franchise agreement.

(7) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

[1989 c 415 § 2.]

RCW 46.96.030 Termination, cancellation, nonrenewal of franchise restricted.

Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, no manufacturer may terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer, unless the manufacturer has complied with the notice requirements of RCW 46.96.070 and an administrative law judge has determined, if requested in writing by the new motor vehicle dealer within the applicable time period specified in RCW 46.96.070 (1), (2), or (3), after hearing, that there is good cause for the termination, cancellation, or nonrenewal of the franchise and that the manufacturer has acted in good faith, as defined in this chapter, regarding the termination, cancellation, or nonrenewal.

[1989 c 415 § 3.]

RCW 46.96.040 Determination of good cause, good faith--Petition, notice, decision, appeal.

A new motor vehicle dealer who has received written notification from the manufacturer of the manufacturer's intent to terminate, cancel, or not renew the franchise may file a petition with the department for a determination as to the existence of good cause and good faith for the termination, cancellation, or nonrenewal of a franchise. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the termination, cancellation, or nonrenewal of the franchise. Upon the filing of the petition and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely petition has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The franchise in question shall continue in full force and effect pending the administrative law judge's decision. If the decision of the administrative law judge terminating, canceling, or failing to renew a dealer's franchise is appealed by a dealer, the franchise in question shall continue in full force and effect until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

[1989 c 415 § 4.]

RCW 46.96.050 Determination of good cause, good faith--Hearing, decision, procedures--Judicial review.

(1) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a petition is filed. If the termination, cancellation, or nonrenewal is under RCW 46.96.070(2), the administrative law judge shall give the proceeding priority consideration and shall render a final decision not later than sixty days after a petition is filed.

(2) The administrative law judge shall conduct the hearing as an adjudicative proceeding in accordance with the procedures provided for in the Administrative Procedure Act, chapter 34.05 RCW. The administrative law judge shall render the final decision and shall enter a final order. Except as otherwise provided in RCW 34.05.446 and 34.05.449, all hearing costs shall be borne on an equal basis by the parties to the hearing.

(3) A party to a hearing under this chapter may be represented by counsel. A party to a hearing aggrieved by the final order of the administrative law judge concerning the termination, cancellation, or nonrenewal of a franchise may seek judicial review of the order in the superior court in the manner provided for in RCW 34.05.510 through 34.05.598. A petitioner for judicial review need not exhaust all administrative appeals or administrative review processes as a prerequisite for seeking judicial review under this section.

[1989 c 415 § 5.]

RCW 46.96.060 Good cause, what constitutes--Burden of proof.

(1) Notwithstanding the terms of a franchise or the terms of a waiver, and except as otherwise provided in RCW 46.96.070(2) (a) through (d), good cause exists for termination, cancellation, or nonrenewal when there is a failure by the new motor vehicle dealer to comply with a provision of the franchise that is both reasonable and of material significance to the franchise relationship, if the new motor vehicle dealer was notified of the failure within one hundred eighty days after the manufacturer first acquired knowledge of the failure and the new motor vehicle dealer did not correct the failure after being requested to do so.

If, however, the failure of the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales, service, or level of customer satisfaction, good cause is the failure of the new motor vehicle dealer to comply with reasonable performance standards determined by the manufacturer in accordance with uniformly applied criteria, and:

(a) The new motor vehicle dealer was advised, in writing, by the manufacturer of the failure;

(b) The notice under this subsection stated that notice was provided of a failure of performance under this section;

(c) The manufacturer provided the new motor vehicle dealer with specific, reasonable goals or reasonable performance standards with which the dealer must comply, together with a suggested timetable or program for attaining those goals or standards, and the new motor vehicle dealer was given a reasonable opportunity, for a period not less than one hundred eighty days, to comply with the goals or standards; and

(d) The new motor vehicle dealer did not substantially comply with the manufacturer's performance standards during that period and the failure to demonstrate substantial compliance was not due to market or economic factors within the new motor vehicle dealer's relevant market area that were beyond the control of the dealer.

(2) The manufacturer has the burden of proof of establishing good cause and good faith for the termination, cancellation, or nonrenewal of the franchise under this section.

[1989 c 415 § 6.]

RCW 46.96.070 Notice of termination, cancellation, or nonrenewal.

Before the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall give written notification to both the department and the new motor vehicle dealer. The notice shall be by certified mail or personally delivered to the new motor vehicle dealer and shall state the intention to terminate, cancel, or not renew the franchise, the reasons for the termination, cancellation, or nonrenewal, and the effective date of the termination, cancellation, or nonrenewal. The notice shall be given:

(1) Not less than ninety days before the effective date of the termination, cancellation, or nonrenewal;

(2) Not less than fifteen days before the effective date of the termination, cancellation, or nonrenewal with respect to any of the following that constitute good cause for termination,

cancellation, or nonrenewal:

(a) Insolvency of the new motor vehicle dealer or the filing of any petition by or against the new motor vehicle dealer under bankruptcy or receivership law;

(b) Failure of the new motor vehicle dealer to conduct sales and service operations during customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer;

(c) Conviction of the new motor vehicle dealer, or principal operator of the dealership, of a felony punishable by imprisonment; or

(d) Suspension or revocation of a license that the new motor vehicle dealer is required to have to operate the new motor vehicle dealership where the suspension or revocation is for a period in excess of thirty days;

(3) Not less than one hundred eighty days before the effective date of termination, cancellation, or nonrenewal, where the manufacturer intends to discontinue sale and distribution of the new motor vehicle line.

[1989 c 415 § 7.]

RCW 46.96.080 Payments by manufacturer to dealer for inventory, equipment, etc.

(1) Upon the termination, cancellation, or nonrenewal of a franchise by the manufacturer under this chapter, the manufacturer shall pay the new motor vehicle dealer, at a minimum:

(a) Dealer cost plus any charges by the manufacturer for distribution, delivery, and taxes, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motor vehicles in the new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make within the previous twelve months;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another new motor vehicle dealer ceasing operations as a part of the new motor vehicle dealer's initial inventory as long as the supplies, parts, and accessories appear in the manufacturer's current parts catalog, list, or current offering;

(c) Dealer cost for all unused, undamaged, and unsold inventory, whether vehicles, parts, or accessories, the purchase of which was required by the manufacturer;

(d) The fair market value of each undamaged sign owned by the new motor vehicle dealer that bears a common name, trade name, or trademark of the manufacturer, if acquisition of the sign was recommended or required by the manufacturer and the sign is in good and usable condition less reasonable wear and tear, and has not been depreciated by the dealer more than fifty percent of the value of the sign;

(e) The fair market value of all equipment, furnishings, and special tools owned or leased by the new motor vehicle dealer that were acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear. However, if the equipment,

furnishings, or tools are leased by the new motor vehicle dealer, the manufacturer shall pay the new motor vehicle dealer such amounts that are required by the lessor to terminate the lease under the terms of the lease agreement; and

(f) The cost of transporting, handling, packing, and loading of new motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings.

To the extent the franchise agreement provides for payment or reimbursement to the new motor vehicle dealer in excess of that specified in this section, the provisions of the franchise agreement shall control.

(2) The manufacturer shall pay the new motor vehicle dealer the sums specified in subsection (1) of this section within ninety days after the tender of the property, if the new motor vehicle dealer has clear title to the property and is in a position to convey that title to the manufacturer.

[1989 c 415 § 8.]

RCW 46.96.090 Payments by manufacturer for dealership facilities.

(1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under RCW 46.96.070(2), the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer:

(a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or

(b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If payment under subsection (1) of this section is made, the manufacturer is entitled to possession and use of the new motor vehicle dealership facilities for the period rent is paid.

[1989 c 415 § 9.]

RCW 46.96.100 Mitigation of damages.

RCW 46.96.030 through 46.96.090 do not relieve a new motor vehicle dealer from the obligation to mitigate the dealer's damages upon termination, cancellation, or nonrenewal of the franchise.

[1989 c 415 § 10.]

RCW 46.96.105 Warranty work.

(1) Each manufacturer shall specify in its franchise agreement, or in a separate written agreement, with each of its dealers licensed in this state, the dealer's obligation to perform warranty work or service on the manufacturer's products. Each manufacturer shall provide each of its dealers with a schedule of compensation to be paid to the dealer for any warranty work or service, including parts, labor, and diagnostic work, required of the dealer by the manufacturer in connection with the manufacturer's products.

(2) All claims for warranty work for parts and labor made by dealers under this section shall be paid by the manufacturer within thirty days following receipt, provided the claim has been approved by the manufacturer. The manufacturer has the right to audit claims for warranty work and to charge the dealer for any unsubstantiated, incorrect, or false claims for a period of one year following payment. However, the manufacturer may audit and charge the dealer for any fraudulent claims during any period for which an action for fraud may be commenced under applicable state law.

(3) All claims submitted by dealers on the forms and in the manner specified by the manufacturer shall be either approved or disapproved within thirty days following their receipt. The manufacturer shall notify the dealer in writing of any disapproved claim, and shall set forth the reasons why the claim was not approved. Any claim not specifically disapproved in writing within thirty days following receipt is approved, and the manufacturer is required to pay that claim within thirty days of receipt of the claim.

[1998 c 298 § 1.]

Notes:

Severability--1998 c 298: See note following RCW 19.118.021.

RCW 46.96.110 Designated successor to franchise ownership.

(1) Notwithstanding the terms of a franchise, an owner may appoint a designated successor to succeed to the ownership of the new motor vehicle dealer franchise upon the owner's death or incapacity.

(2) Notwithstanding the terms of a franchise, a designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise may succeed to the ownership interest of the owner under the existing franchise, if:

(a) In the case of a designated successor who meets the definition of a designated successor under RCW 46.96.020(5)(a), but who is not experienced in the business of a new motor vehicle dealer, the person will employ an individual who is qualified and experienced in the business of a new motor vehicle dealer to help manage the day-to-day operations of the motor vehicle dealership; or in the case of a designated successor who meets the definition of a designated successor under RCW 46.96.020(5) (b) or (c), the person is qualified and experienced in the business of a new motor vehicle dealer and meets the normal, reasonable, and uniformly applied standards for grant of an application as a new motor vehicle dealer by the manufacturer; and

(b) The designated successor furnishes written notice to the manufacturer of his or her

intention to succeed to the ownership of the new motor vehicle dealership within sixty days after the owner's death or incapacity; and

(c) The designated successor agrees to be bound by all terms and conditions of the franchise.

(3) The manufacturer may request, and the designated successor shall promptly provide, such personal and financial information as is reasonably necessary to determine whether the succession should be honored.

(4) A manufacturer may refuse to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor if the manufacturer establishes that good cause exists for its refusal to honor the succession. If the designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise fails to meet the requirements set forth in subsections (2)(a), (b), and (c) of this section, good cause for refusing to honor the succession is presumed to exist. If a manufacturer believes that good cause exists for refusing to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor, the manufacturer shall serve written notice on the designated successor and on the department of its refusal to honor the succession no earlier than sixty days from the date the notice is served. The notice must be served not later than sixty days after the manufacturer's receipt of:

(a) Notice of the designated successor's intent to succeed to the ownership interest of the new motor vehicle dealer's franchise; or

(b) Any personal or financial information requested by the manufacturer.

(5) The notice in subsection (4) of this section shall state the specific grounds for the refusal to honor the succession. If the notice of refusal is not timely and properly served, the designated successor may continue the franchise in full force and effect, subject to termination only as otherwise provided under this chapter.

(6) Within twenty days after receipt of the notice or within twenty days after the end of any appeal procedure provided by the manufacturer, whichever is greater, the designated successor may file a petition with the department protesting the refusal to honor the succession. The petition shall contain a short statement setting forth the reasons for the designated successor's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not terminate or otherwise discontinue the existing franchise until the administrative law judge has held a hearing and has determined that there is good cause for refusing to honor the succession. If an appeal is taken, the manufacturer shall not terminate or discontinue the franchise until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

(7) The manufacturer has the burden of proof to show that good cause exists for the refusal to honor the succession.

(8) The administrative law judge shall conduct the hearing and render a final decision as

expeditiously as possible, but in any event not later than one hundred eighty days after a protest is filed.

(9) The administrative law judge shall conduct any hearing concerning the refusal to the succession as provided in RCW 46.96.050(2) and all hearing costs shall be borne as provided in that subsection. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in RCW 46.96.050(3).

(10) This section does not preclude the owner of a new motor vehicle dealer franchise from designating any person as his or her successor by a written, notarized, and witnessed instrument filed with the manufacturer. In the event of a conflict between such a written instrument that has not been revoked by written notice from the owner to the manufacturer and this section, the written instrument governs.

[1989 c 415 § 11.]

RCW 46.96.140 Relevant market area--Definition--New or relocated dealerships, notice of.

(1) For the purposes of this section, and throughout this chapter, the term "relevant market area" is defined as follows:

(a) If the population in the county in which the proposed new or relocated dealership is to be located is four hundred thousand or more, the relevant market area is the geographic area within a radius of eight miles around the proposed site;

(b) If the population in the county in which the proposed new or relocated dealership is to be located is two hundred thousand or more and less than four hundred thousand, the relevant market area is the geographic area within a radius of twelve miles around the proposed site;

(c) If the population in the county in which the proposed new or relocated dealership is to be located is less than two hundred thousand, the relevant market area is the geographic area within a radius of sixteen miles around the proposed site.

In determining population for this definition, the most recent census by the United States Bureau of Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

(2) For the purpose of RCW 46.96.140 through 46.96.180, the term "motor vehicle dealer" does not include dealerships who exclusively market vehicles 19,000 pounds gross vehicle weight and above.

(3) Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, if a manufacturer intends or proposes to enter into a franchise to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into a relevant market area in which the same line make of motor vehicle is then represented, the manufacturer shall provide at least sixty days advance written notice to the department and to each new motor vehicle dealer of the same line make in the relevant market area, of the manufacturer's intention to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into the relevant market area. The notice shall be sent by certified mail to each

such party and shall include the following information:

- (a) The specific location at which the additional or relocated motor vehicle dealer will be established;
- (b) The date on or after which the additional or relocated motor vehicle dealer intends to commence business at the proposed location;
- (c) The identity of all motor vehicle dealers who are franchised to sell the same line make vehicles as the proposed dealer and who have licensed locations within the relevant market area;
- (d) The names and addresses, if available, of the owners of and principal investors in the proposed additional or relocated motor vehicle dealership; and
- (e) The specific grounds or reasons for the proposed establishment of an additional motor vehicle dealer or relocation of an existing dealer.

[1994 c 274 § 1.]

RCW 46.96.150 Protest of new or relocated dealership--Hearing--Arbitration.

(1) Within thirty days after receipt of the notice under RCW 46.96.140, or within thirty days after the end of an appeal procedure provided by the manufacturer, whichever is greater, a new motor vehicle dealer so notified or entitled to notice may file a petition with the department protesting the proposed establishment or relocation. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the proposed establishment or relocation. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not establish or relocate the new motor vehicle dealer until the administrative law judge has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same dealer, the administrative law judge shall consolidate the hearings to expedite disposition of the matter.

(2) If a manufacturer provides in the franchise agreement or by written statement distributed and provided to its dealers for arbitration under the Washington Arbitration Act, chapter 7.04 RCW, as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the provisions of this section and RCW 46.96.170 relating to hearings by an administrative law judge do not apply, and a dispute regarding the establishment of an additional new motor vehicle dealer or the relocation of an existing new motor vehicle dealer shall be determined in an arbitration proceeding conducted in accordance with the Washington Arbitration Act, chapter 7.04 RCW. The thirty-day period for filing a protest under this section still applies except that the protesting dealer shall file his protest with the manufacturer within thirty days after receipt of the notice under RCW 46.96.140.

(3) The dispute shall be referred for arbitration to such arbitrator as may be agreed upon by the parties to the dispute. If the parties cannot agree upon a single arbitrator within thirty days from the date the protest is filed, the protesting dealer will select an arbitrator, the manufacturer

will select an arbitrator, and the two arbitrators will then select a third. If a third arbitrator is not agreed upon within thirty days, any party may apply to the superior court, and the judge of the superior court having jurisdiction will appoint the third arbitrator. The protesting dealer will pay the arbitrator selected by him, and the manufacturer will pay the arbitrator it selected. The expense of the third arbitrator and all other expenses of arbitration will be shared equally by the parties. Attorneys' fees and fees paid to expert witnesses are not expenses of arbitration and will be paid by the person incurring them.

(4) Notwithstanding the terms of a franchise or written statement of the manufacturer and notwithstanding the terms of a waiver, the arbitration will take place in the state of Washington in the county where the protesting dealer has his principal place of business. RCW 46.96.160 applies to a determination made by the arbitrator or arbitrators in determining whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer, and the manufacturer has the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation. After a hearing has been held, the arbitrator or arbitrators shall render a decision as expeditiously as possible, but in any event not later than one hundred twenty days from the date the arbitrator or arbitrators are selected or appointed. The manufacturer shall not establish or relocate the new motor vehicle dealer until the arbitration hearing has been held and the arbitrator or arbitrators have determined that there is good cause for permitting the proposed establishment or relocation. The written decision of the arbitrator is binding upon the parties unless modified, corrected, or vacated under the Washington Arbitration Act. Any party may appeal the decision of the arbitrator under the Washington Arbitration Act, chapter 7.04 RCW.

(5) If the franchise agreement or the manufacturer's written statement distributed and provided to its dealers does not provide for arbitration under the Washington Arbitration Act as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the hearing provisions of this section and RCW 46.96.170 apply. Nothing in this section is intended to preclude a new motor vehicle dealer from electing to use any other dispute resolution mechanism offered by a manufacturer.

[1994 c 274 § 2.]

RCW 46.96.160 Factors considered by administrative law judge.

In determining whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge shall take into consideration the existing circumstances, including, but not limited to:

(1) The extent, nature, and permanency of the investment of both the existing motor vehicle dealers of the same line make in the relevant market area and the proposed additional or relocating new motor vehicle dealer, including obligations reasonably incurred by the existing dealers to perform their obligations under their respective franchises;

(2) The growth or decline in population and new motor vehicle registrations during the past five years in the relevant market area;

- (3) The effect on the consuming public in the relevant market area;
- (4) The effect on the existing new motor vehicle dealers in the relevant market area, including any adverse financial impact;
- (5) The reasonably expected or anticipated vehicle market for the relevant market area, including demographic factors such as age of population, income, education, size class preference, product popularity, retail lease transactions, or other factors affecting sales to consumers in the relevant market area;
- (6) Whether it is injurious or beneficial to the public welfare for an additional new motor vehicle dealer to be established;
- (7) Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate competition and convenient customer care for the motor vehicles of the same line make in the relevant market area, including the adequacy of motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel;
- (8) Whether the establishment of an additional new motor vehicle dealer would increase competition and be in the public interest;
- (9) Whether the manufacturer is motivated principally by good faith to establish an additional or new motor vehicle dealer and not by noneconomic considerations;
- (10) Whether the manufacturer has denied its existing new motor vehicle dealers of the same line make the opportunity for reasonable growth, market expansion, establishment of a subagency, or relocation;
- (11) Whether the protesting dealer or dealers are in substantial compliance with their dealer agreements or franchises; and
- (12) Whether the manufacturer has complied with the requirements of RCW 46.96.140 and 46.96.150.

In considering the factors set forth in this section, the administrative law judge shall give the factors equal weight, and in making a determination as to whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge must find that at least nine of the factors set forth in this section weigh in favor of the manufacturer and in favor of the proposed establishment or relocation of a new motor vehicle dealer.

[1994 c 274 § 3.]

RCW 46.96.170 Hearing--Procedures, costs, appeal.

(1) The manufacturer has the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation.

(2) The administrative law judge shall conduct any hearing as provided in RCW 46.96.050(2), and all hearing costs shall be borne as provided in that subsection. The administrative law judge shall render the final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. If more than one protest is filed, the one hundred twenty days commences to run from the date the last protest is filed. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal

as provided and allowed in RCW 46.96.050(3).

[1994 c 274 § 4.]

RCW 46.96.180 Exceptions.

RCW 46.96.140 through 46.96.170 do not apply:

(1) To the sale or transfer of the ownership or assets of an existing new motor vehicle dealer where the transferee proposes to engage in business representing the same line make at the same location or within two miles of that location;

(2) To the relocation of an existing new motor vehicle dealer within the dealer's relevant market area, if the relocation is not at a site within eight miles of any new motor vehicle dealer of the same line make;

(3) If the proposed new motor vehicle dealer is to be established at or within two miles of a location at which a former new motor vehicle dealer of the same line make had ceased operating within the previous twenty-four months;

(4) Where the proposed relocation is two miles or less from the existing location of the relocating new motor vehicle dealer; or

(5) Where the proposed relocation is to be further away from all other existing new motor vehicle dealers of the same line make in the relevant market area.

[1994 c 274 § 5.]

RCW 46.96.185 Unfair practices.

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Give preferential treatment to some new motor vehicle dealers over others by refusing

or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(f) Compete with a new motor vehicle dealer by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(f)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and

under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(f)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993; or

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(g) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(g), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(h) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(h), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e)

where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW.

[2000 c 203 § 1.]

RCW 46.96.190 Prohibited practices by manufacturer.

A manufacturer shall not coerce, threaten, intimidate, or require a new motor vehicle dealer, as a condition to granting or renewing a franchise, to waive, limit, or disclaim a right that the dealer may have to protest the establishment or relocation of another motor vehicle dealer in the relevant market area as provided in RCW 46.96.150.

[1994 c 274 § 6.]

RCW 46.96.200 Sale, transfer, or exchange of franchise.

(1) Notwithstanding the terms of a franchise, a manufacturer shall not unreasonably withhold consent to the sale, transfer, or exchange of a franchise to a qualified buyer who meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the

appointment of a new dealer or is capable of being licensed as a new motor vehicle dealer in the state of Washington. A decision or determination made by the administrative law judge as to whether a qualified buyer is capable of being licensed as a new motor vehicle dealer in the state of Washington is not conclusive or determinative of any ultimate determination made by the department of licensing as to the buyer's qualification for a motor vehicle dealer license. A manufacturer's failure to respond in writing to a request for consent under this subsection within sixty days after receipt of a written request on the forms, if any, generally used by the manufacturer containing the information and reasonable promises required by a manufacturer is deemed to be consent to the request. A manufacturer may request, and, if so requested, the applicant for a franchise (a) shall promptly provide such personal and financial information as is reasonably necessary to determine whether the sale, transfer, or exchange should be approved, and (b) shall agree to be bound by all reasonable terms and conditions of the franchise.

(2) If a manufacturer refuses to approve the sale, transfer, or exchange of a franchise, the manufacturer shall serve written notice on the applicant, the transferring, selling, or exchanging new motor vehicle dealer, and the department of its refusal to approve the transfer of the franchise no later than sixty days after the date the manufacturer receives the written request from the new motor vehicle dealer. If the manufacturer has requested personal or financial information from the applicant under subsection (1) of this section, the notice shall be served not later than sixty days after the receipt of all of such documents. Service of all notices under this section shall be made by personal service or by certified mail, return receipt requested.

(3) The notice in subsection (2) of this section shall state the specific grounds for the refusal to approve the sale, transfer, or exchange of the franchise.

(4) Within twenty days after receipt of the notice of refusal to approve the sale, transfer, or exchange of the franchise by the transferring new motor vehicle dealer, the new motor vehicle dealer may file a petition with the department to protest the refusal to approve the sale, transfer, or exchange. The petition shall contain a short statement setting forth the reasons for the dealer's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed, and the department shall arrange for a hearing with an administrative law judge as the presiding officer to determine if the manufacturer unreasonably withheld consent to the sale, transfer, or exchange of the franchise.

(5) In determining whether the manufacturer unreasonably withheld its approval to the sale, transfer, or exchange, the manufacturer has the burden of proof that it acted reasonably. A manufacturer's refusal to accept or approve a proposed buyer who otherwise meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer, or who otherwise is capable of being licensed as a new motor vehicle dealer in the state of Washington, is presumed to be unreasonable.

(6) The administrative law judge shall conduct a hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. Only the selling, transferring, or exchanging new motor vehicle dealer and the manufacturer may be parties to the hearing.

(7) The administrative law judge shall conduct any hearing as provided in RCW 46.96.050(2), and all hearing costs shall be borne as provided in that subsection. Only the

manufacturer and the selling, transferring, or exchanging new motor vehicle dealer may appeal the final order of the administrative law judge as provided in RCW 46.96.050(3).

(8) This section and RCW 46.96.030 through 46.96.110 apply to all franchises and contracts existing on July 23, 1989, between manufacturers and new motor vehicle dealers as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

(9) RCW 46.96.140 through 46.96.190 apply to all franchises and contracts existing on October 1, 1994, between manufacturers and new motor vehicle dealers as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

[1994 c 274 § 7; 1989 c 415 § 18. Formerly RCW 46.96.120.]

RCW 46.96.210 Petition and hearing--Filing fee, costs, security.

The department shall determine and establish the amount of the filing fee required in RCW 46.96.040, 46.96.110, 46.96.150, and 46.96.200. The fees shall be set in accordance with RCW 43.24.086.

The department may also require the petitioning or protesting party to give security, in such sum as the department deems proper but not in any event to exceed one thousand dollars, for the payment of such costs as may be incurred in conducting the hearing as required under this chapter. The security may be given in the form of a bond or stipulation or other undertaking with one or more sureties.

At the conclusion of the hearing, the department shall assess, in equal shares, each of the parties to the hearing for the cost of conducting the hearing. Upon receipt of payment of the costs, the department shall refund and return to the petitioning party such excess funds, if any, initially posted by the party as security for the hearing costs. If the petitioning party provided security in the form of a bond or other undertaking with one or more sureties, the bond or other undertaking shall then be exonerated and the surety or sureties under it discharged.

[1994 c 274 § 8; 1989 c 415 § 19. Formerly RCW 46.96.130.]

RCW 46.96.900 Severability--1989 c 415.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 c 415 § 22.]

**Chapter 46.98 RCW
CONSTRUCTION**

Sections
46.98.010 Continuation of existing law.

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| 46.98.020 | Provisions to be construed in pari materia. |
| 46.98.030 | Title, chapter, section headings not part of law. |
| 46.98.040 | Invalidity of part of title not to affect remainder. |
| 46.98.041 | Severability--1963 ex.s. c 3. |
| 46.98.042 | Severability--1965 ex.s. c 170. |
| 46.98.043 | Severability--1969 ex.s. c 281. |
| 46.98.050 | Repeals and saving--1961 c 12. |
| 46.98.060 | Emergency--1961 c 12. |

RCW 46.98.010 Continuation of existing law.

The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

[1961 c 12 § 46.98.010.]

RCW 46.98.020 Provisions to be construed in pari materia.

The provisions of this title shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 47 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively.

[1961 c 12 § 46.98.020.]

RCW 46.98.030 Title, chapter, section headings not part of law.

Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

[1961 c 12 § 46.98.030.]

RCW 46.98.040 Invalidity of part of title not to affect remainder.

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

[1961 c 12 § 46.98.040.]

RCW 46.98.041 Severability--1963 ex.s. c 3.

See RCW 47.98.041.

RCW 46.98.042 Severability--1965 ex.s. c 170.

See RCW 47.98.042.

RCW 46.98.043 Severability--1969 ex.s. c 281.

See RCW 47.98.045.

RCW 46.98.050 Repeals and saving--1961 c 12.

See 1961 c 12 § 46.98.050.

RCW 46.98.060 Emergency--1961 c 12.

This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately.

[1961 c 12 § 46.98.060.]

**Title 47 RCW
PUBLIC HIGHWAYS AND TRANSPORTATION**

Chapters

- 47.01 Department of transportation.**
- 47.02 Department buildings.**
- 47.04 General provisions.**
- 47.05 Priority programming for highway development.**
- 47.06 State-wide transportation planning.**
- 47.06A Freight mobility.**
- 47.06B Coordinating special needs transportation.**
- 47.06C Permit efficiency and accountability.**
- 47.08 Highway funds.**
- 47.10 Highway construction bonds.**
- 47.12 Acquisition and disposition of state highway property.**
- 47.14 Right of way donations.**
- 47.17 State highway routes.**
- 47.20 Miscellaneous projects.**
- 47.22 Combination highway routes.**
- 47.24 City streets as part of state highways.**
- 47.26 Development in urban areas--Urban arterials.**
- 47.28 Construction and maintenance of highways.**
- 47.30 Trails and paths.**

- 47.32 Obstructions on right of way.**
- 47.36 Traffic control devices.**
- 47.38 Roadside areas--Safety rest areas.**
- 47.39 Scenic and Recreational Highway Act of 1967.**
- 47.40 Roadside improvement and beautification.**
- 47.41 Junkyards adjacent to interstate and primary highways.**
- 47.42 Highway advertising control act--Scenic Vistas Act.**
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- 47.56 State toll bridges, tunnels, and ferries.**
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- 47.80 Regional transportation planning organizations.**
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NOTES:

Abandoned highways, transfer to counties, cities: RCW 36.75.090.

Accidents and reports: Chapter 46.52 RCW.

Annual report of street operations to secretary of transportation: RCW 35.21.260.

Arterial highways, designation: RCW 46.61.195.

Bicycles, operation: Chapter 46.61 RCW.

Buses, unlawful conduct: RCW 9.91.025.

City streets, sidewalks, etc.: Chapters 35.68 through 35.79 RCW.

Columbia Basin project road systems: RCW 36.81.140.

Contractor's bond: Chapter 39.08 RCW.

Contractors on highway projects prequalified under RCW 47.28.070 exempted from contractor's registration requirement: RCW 18.27.090.

County highways in cities and towns: Chapter 36.89 RCW.

County road improvement districts: Chapter 36.88 RCW.

County roads and bridges: Chapters 36.75 through 36.88 RCW.

Dangerous substances or devices, placing on highway: RCW 9.66.050, 70.93.060.

Design standards committee

arterial streets: Chapter 35.78 RCW.
generally: Chapter 43.32 RCW.
Driving while intoxicated when engaged in discharge of business duties: RCW 9.91.020.
Electrical installations, applicability of statutes or rules: RCW 19.28.141.
Fences: Chapter 16.60 RCW.
Fireworks, transportation, etc.: Chapter 70.77 RCW.
Flaggers--Safety standards: RCW 49.17.350.
Glass, tacks, rubbish, etc., throwing in highway: RCW 9.66.050, 46.61.645.
Highway construction or improvement, validity of agreement to indemnify against liability for negligence relative to: RCW 4.24.115.
Highway funds, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).
Hospitalization and medical aid for public employees and dependents--Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.
Jurisdiction over operation of motor vehicles by Indians: Chapter 37.12 RCW.
Liens for labor, materials on public works: Chapter 60.28 RCW.
Littering on public highway: RCW 70.93.060.
Obstructing highway is public nuisance: RCW 9.66.010.
Off-street parking
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Platted streets as public highways: RCW 58.08.035, 58.08.050.
Port districts, toll facilities: Chapter 53.34 RCW.
Public lands, withdrawal of abutting: RCW 79A.05.105.
Range areas, road signs: RCW 16.24.060.
Real property conveyances by public bodies--Recording: RCW 65.08.095.
Rules of the road: Chapter 46.61 RCW.
Size, weight, load of vehicles: Chapter 46.44 RCW.
Speed limits: RCW 46.61.400 through 46.61.470.
State patrol: Chapter 43.43 RCW.
Traffic safety commission and program: Chapter 43.59 RCW.
Viaducts, bridges, elevated roadways, tunnels, etc., authority of cities to construct: Chapter 35.85 RCW.
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Chapter 47.01 RCW

DEPARTMENT OF TRANSPORTATION

Sections

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| 47.01.011 | Legislative declaration. |
| 47.01.021 | Definitions. |
| 47.01.031 | Department created--Transfer of powers, duties, and functions. |
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| 47.01.070 | Director's and commissioner's prior assignments may be delegated. |
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| 47.01.900 | Commute trip reduction program--Transfer from state energy office--References to director or state energy office. |

NOTES:

Collection agencies, use by public bodies to collect public debts--Fees: RCW 19.16.500.

Cross-state trail--Rail line franchise negotiations: RCW 79A.05.125.

Flaggers--Safety standards: RCW 49.17.350.

Interagency committee for outdoor recreation, secretary of transportation member of: RCW 79A.25.110.

Mt. St. Helens eruption, facilitating recovery from--Scope of state agency action: RCW 43.01.210.

Secretary's duties

generally: RCW 46.68.120.

motor vehicle fund, distribution of amount to counties--Factors of distribution formula for RCW 46.68.120(4)

funds: RCW 46.68.122.

population, road cost, money need, computed--Allocation percentage adjustment, when: RCW 46.68.124.

Traffic safety commission, secretary of transportation member of: RCW 43.59.030.

Trails system, Washington state recreation, department of transportation participation: RCW 79A.35.120.

RCW 47.01.011 Legislative declaration.

The legislature hereby recognizes the following imperative needs within the state: To create a state-wide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the *planning and community affairs agency.

[1977 ex.s. c 151 § 1.]

Notes:

***Reviser's note:** "Planning and community affairs agency" means "department of community, trade, and economic development."

RCW 47.01.021 Definitions.

As used in this title unless the context indicates otherwise:

- (1) "Department" means the department of transportation created in RCW 47.01.031;
- (2) "Commission" means the transportation commission created in RCW 47.01.051;
- (3) "Secretary" means the secretary of transportation as provided for in RCW 47.01.041.

[1977 ex.s. c 151 § 2.]

Notes:

Additional definitions: RCW 47.04.010.

RCW 47.01.031 Department created--Transfer of powers, duties, and functions.

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the **planning and community affairs agency, are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly directed elsewhere in *this or in any other act of the 1977 legislature.

(3) The board of pilotage commissioners is transferred to the jurisdiction of the department for its staff support and administration: PROVIDED, That nothing in this section shall be construed as transferring any policy making powers of the board of pilotage commissioners to the transportation commission or the department of transportation.

[1988 c 167 § 11; 1977 ex.s. c 151 § 3.]

Notes:

Reviser's note: *(1) For contents of "this act" [1977 ex.s. c 151], see note following RCW 47.98.070.

** (2) The "planning and community affairs agency" has been renamed the "department of community, trade, and economic development."

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.01.041 Secretary of transportation--Appointment, salary, removal.

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission and be responsible to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final.

[1983 1st ex.s. c 53 § 28; 1977 ex.s. c 151 § 4.]

Notes:

Severability--1983 1st ex.s. c 53: See note following RCW 47.10.802.

RCW 47.01.051 Commission created--Appointment of members--Terms--Qualifications--Removal.

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county. Commissioners shall not be removed from office by the governor before the expiration of their terms unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms.

[1977 ex.s. c 151 § 5.]

RCW 47.01.061 Commission--Procedures and internal operations.

The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission. The commission may from time to time retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

[1987 c 364 § 2; 1984 c 287 § 94; 1983 1st ex.s. c 53 § 29; 1981 c 59 § 1; 1977 ex.s. c 151 § 6.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.
Severability--1983 1st ex.s. c 53: See note following RCW 47.10.802.

RCW 47.01.070 Director's and commissioner's prior assignments may be delegated.

In all situations wherein the director of highways, the director of aeronautics or any one of their designees, or any member of the highway commission, the toll bridge authority, the aeronautics commission, or the canal commission or any one of their designees was on September 21, 1977, designated or serving as a member of any board, commission, committee, or authority, the chairman of the transportation commission or the chairman's designee who shall be an employee of the department of transportation, shall hereafter determine who shall serve as such member.

[1977 ex.s. c 151 § 27; 1961 c 13 § 47.01.070. Prior: 1951 c 247 § 5. Formerly RCW 43.27.120.]

RCW 47.01.071 Commission--Functions, powers, and duties.

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services.

Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the legislature;

(e) To integrate the state-wide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced state-wide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the 1980 regular legislative session. The plan shall be reviewed and revised prior to each regular session of the legislature during an even-numbered year thereafter. A preliminary plan shall be submitted to such committees by January 1, 1979.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(4) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the

commission as required by RCW 47.01.061;

(5) To approve and propose to the governor and to the legislature prior to the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;

(6) To review and authorize all departmental requests for legislation;

(7) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(8) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(9) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

[1981 c 59 § 2; 1980 c 87 § 45; 1977 ex.s. c 151 § 7.]

Notes:

Powers, duties, and studies by legislative transportation committee: RCW 44.40.020.

RCW 47.01.081 Department--Organization--Management personnel.

(1) Initially the department shall be organized into divisions, including the division of highways, the division of public transportation, the division of aeronautics, the division of marine transportation, and the division of transportation planning and budget.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The secretary may also appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department and may also appoint up to twelve ferry system management positions as defined in RCW 47.64.011. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

(3) The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

[1984 c 48 § 1; 1977 ex.s. c 151 § 8.]

RCW 47.01.091 Advisory councils.

The secretary shall establish such advisory councils as are necessary to carry out the purposes of *this 1977 amendatory act, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

[1977 ex.s. c 151 § 9.]

Notes:

***Reviser's note:** For codification of "this 1977 amendatory act" [1977 ex.s. c 151], see note following RCW 47.98.070.

RCW 47.01.101 Secretary--Authority and duties.

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make and report to the commission and the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A and H highway construction programs necessary to adjust to unexpected delays or other unanticipated circumstances.

(9) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

[1987 c 505 § 48; 1987 c 179 § 1; 1983 1st ex.s. c 53 § 30; 1977 ex.s. c 151 § 10.]

Notes:

Reviser's note: This section was amended by 1987 c 179 § 1 and by 1987 c 505 § 48, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1983 1st ex.s. c 53: See note following RCW 47.10.802.
Regulations governing parking facilities: RCW 46.61.577.

RCW 47.01.131 Continuation of state services to department.

All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by RCW 47.01.031 shall continue to perform such services for the department of transportation unless otherwise directed by this title.

[1977 ex.s. c 151 § 18.]

RCW 47.01.141 Biennial report.

The department shall submit a biennial report to the governor and chairs of the transportation committees of the senate and house of representatives with a copy to the staff of each of the committees, including but not limited to operational and construction activities of the preceding fiscal period as the department deems important and recommendations for future operations of the department.

[1987 c 505 § 49; 1984 c 7 § 75; 1977 c 75 § 68; 1973 2nd ex.s. c 12 § 1.]

Notes:

Severability--1984 c 7: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 7 § 389.]

RCW 47.01.145 Study reports available to legislators upon request.

Whenever a study report prepared by the department for the legislative transportation committee is made available to the committee or its members, the report shall, upon request, be made available to any member of the Washington state legislature.

[1984 c 7 § 76; 1971 ex.s. c 195 § 6; 1967 ex.s. c 145 § 78.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.
Severability--1971 ex.s. c 195: See note following RCW 44.40.010.
Budget, plan for highway development: Chapter 47.05 RCW.

RCW 47.01.170 Right of entry.

The department or its duly authorized and acting assistants, agents, or appointees have the right to enter upon any land, real estate, or premises in this state, whether public or private, for purposes of making examinations, locations, surveys, and appraisals for highway purposes. The making of any such entry for those purposes does not constitute any trespass by the department or by its duly authorized and acting assistants, agents, or appointees.

[1984 c 7 § 77; 1961 c 13 § 47.01.170. Prior: 1945 c 176 § 1; Rem. Supp. 1945 § 6400-3f. Formerly RCW 43.27.030.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.01.180 Roads and bridges in state parks.

The department is authorized at the request of, and upon plans approved by the state parks and recreation commission, to construct and maintain vehicular roads, highways, and bridges within the limits of the several state parks.

[1984 c 7 § 78; 1961 c 13 § 47.01.180. Prior: 1943 c 253 § 1; Rem. Supp. 1943 § 6402-35. Formerly RCW 43.27.040.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.01.190 State aid engineer.

The secretary shall appoint, with the approval of the governor, a qualified assistant to be designated as "state aid engineer" whose duties shall consist of the administration of the program of state aid in the matter of county roads and city streets.

[1984 c 7 § 79; 1961 c 13 § 47.01.190. Prior: 1949 c 220 § 2; Rem. Supp. 1949 § 4600-3g. Formerly RCW 43.27.050.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.01.210 Contract without bid or bond with public utilities and municipal corporations.

It is lawful for the department to contract without advertising or bid, or performance bond, with any public utility, whether publicly or privately operated, or with any municipal corporation or political subdivision of the state, for the performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility, or by such municipal corporation or political subdivision, whenever, in the opinion of the department, the interest of the public will be best served.

[1984 c 7 § 80; 1961 c 13 § 47.01.210. Prior: 1955 c 84 § 1; 1953 c 100 § 1. Formerly RCW 43.27.105.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.01.230 Powers relating to toll bridges and facilities and state ferries.

See RCW 47.56.030.

RCW 47.01.240 Coordination of long-range needs studies.

The department and the transportation improvement board shall coordinate their activities relative to long-range needs studies, in accordance with the provisions of chapter 47.05 RCW and RCW 47.26.170, respectively, in order that long-range needs data may be developed and maintained on an integrated and comparable basis. Needs data for county roads and city streets in nonurban areas shall be provided by the counties and cities to the department in such form and extent as requested by the department, after consultation with the county road administration board and the association of Washington cities, in order that needs data may be obtained on a comparable basis for all highways, roads, and streets in Washington.

[1988 c 167 § 12; 1984 c 7 § 82; 1971 ex.s. c 195 § 10.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

RCW 47.01.250 Consultation with designated state officials.

The chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities.

[1998 c 245 § 92; 1990 c 266 § 5; 1979 c 158 § 204; 1977 ex.s. c 151 § 26.]

Notes:

Identification of environmental costs of transportation projects--Pilot project--1993 c 59:

"Recognizing the importance of maintaining the quality of life in Washington state, the citizens of this state demand protection and preservation of our scarce natural resources. Citizens also demand an efficient and effective transportation system. The departments of transportation, ecology, fisheries, and wildlife and the Puget Sound water quality authority have worked jointly to develop cooperative approaches for mitigating environmental impacts resulting from transportation projects. Nevertheless, many transportation projects are costing more than was budgeted due to unanticipated and extensive environmental considerations. It is the intent of the legislature to find a process for accessing, budgeting, and accounting for environmental costs related to significant transportation projects in order to determine whether the environmental costs exceed the transportation benefits of a project.

Therefore, the department of transportation shall undertake a pilot program in at least one transportation district that will serve as a case study for the entire department. The department shall identify and cost out the discrete environmental elements of a representative sampling of transportation projects. The environmental elements should include, but not necessarily be limited to, wetlands, storm water, hazardous waste, noise, fish, and wildlife. The department shall also consider an assessment of the cost impacts resulting from delays associated with permitting requirements.

It is the intent of the legislature that the environmental cost estimates be developed during a detailed scoping process that will include preliminary engineering and design. After the detailed scoping process and design report is complete, the department shall submit project-specific recommendations and cost estimates to the transportation commission before approval is granted for the construction phase of the projects.

Based upon the findings of the pilot program the transportation commission shall recommend policies to the legislative transportation committee regarding: (1) The current practice of appropriating design and construction dollars simultaneously; (2) identification of reasonable thresholds for environmental costs; (3) budget and accounting modifications that may be warranted in order to accurately capture environmental costs associated with transportation projects; and (4) modification to the priority array statutes, chapter 47.05 RCW." [1993 c 59 § 1.]

RCW 47.01.260 Authority of department.

(1) The department of transportation shall exercise all the powers and perform all the duties necessary, convenient, or incidental to the planning, locating, designing, constructing, improving, repairing, operating, and maintaining state highways, including bridges and other structures, culverts, and drainage facilities and channel changes necessary for the protection of state highways, and shall examine and allow or disallow bills for any work or services performed or materials, equipment, or supplies furnished.

(2) Subject to the limitations of RCW 4.24.115, the department, in the exercise of any of its powers, may include in any authorized contract a provision for indemnifying the other contracting party against specific loss or damages arising out of the performance of the contract.

(3) The department is authorized to acquire property as provided by law and to construct and maintain thereon any buildings or structures necessary or convenient for the planning, design, construction, operation, maintenance, and administration of the state highway system and to acquire property and to construct and maintain any buildings, structures, appurtenances, and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon state highways.

(4) The department is authorized to engage in planning surveys and may collect, compile, and analyze statistics and other data relative to existing and future highways and highway needs

throughout the state, and shall conduct research, investigations, and testing as it deems necessary to improve the methods of construction and maintenance of highways and bridges.

[1983 c 29 § 1; 1979 ex.s. c 58 § 1.]

RCW 47.01.270 Radioactive or hazardous cargo, notice of prohibition.

The department of transportation shall adopt regulations to establish procedures for giving notice to transporters of placarded radioactive or hazardous cargo of times when transportation of such cargo is prohibited.

[1983 c 205 § 2.]

Notes:

Transportation of radioactive or hazardous cargo, prohibited, when: RCW 47.48.050.

RCW 47.01.280 Application for improvements to existing highways.

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the transportation commission shall, in a timely manner, determine whether or not the proposed state highway improvements:

- (a) Meet the safety and design criteria of the department of transportation;
- (b) Will impair the operational integrity of the existing highway system;
- (c) Will affect any other improvements planned by the department; and
- (d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the transportation commission shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the transportation commission disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the transportation commission shall direct the department of transportation to carry out the improvements in coordination with the applicant.

(4) The transportation commission shall notify the legislative transportation committee of all state highway improvements to be carried out pursuant to RCW 43.160.074 and this section.

[1999 c 94 § 10; 1985 c 433 § 6.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Nonseverability--1985 c 433: See note following RCW 43.160.074.

RCW 47.01.290 Environmental review of transportation projects.

The legislature recognizes that environmental review of transportation projects is a

continuous process that should begin at the earliest stages of planning and continue through final project construction. Early and extensive involvement of the relevant environmental regulatory authorities is critical in order to avoid significant changes in substantially completed project design and engineering. It is the expectation of the legislature that if a comprehensive environmental approach is integrated throughout various transportation processes, onerous, duplicative, and time-consuming permit processes will be minimized.

[1994 c 258 § 3; 1993 c 55 § 1.]

Notes:

Captions not law--1994 c 258: See note following RCW 36.70A.420.
State-wide transportation planning: Chapter 47.06 RCW.

RCW 47.01.300 Environmental review of transportation projects--Cooperation with other environmental regulatory authorities.

The department shall, in cooperation with environmental regulatory authorities:

(1) Identify and document environmental resources in the development of the state-wide multimodal plan under RCW 47.06.040;

(2) Allow for public comment regarding changes to the criteria used for prioritizing projects under chapter 47.05 RCW before final adoption of the changes by the commission;

(3) Use an environmental review as part of the project prospectus identifying potential environmental impacts, mitigation, and costs during the early project identification and selection phase, submit the prospectus to the relevant environmental regulatory authorities, and maintain a record of comments and proposed revisions received from the authorities;

(4) Actively work with the relevant environmental regulatory authorities during the design alternative analysis process and seek written concurrence from the authorities that they agree with the preferred design alternative selected;

(5) Develop a uniform methodology, in consultation with relevant environmental regulatory authorities, for submitting plans and specifications detailing project elements that impact environmental resources, and proposed mitigation measures, to the relevant environmental regulatory authorities during the preliminary specifications and engineering phase of project development;

(6) Screen construction projects to determine which projects will require complex or multiple permits. The permitting authorities shall develop methods for initiating review of the permit applications for the projects before the final design of the projects;

(7) Conduct special prebid meetings for those projects that are environmentally complex;
and

(8) Review environmental considerations related to particular projects during the preconstruction meeting held with the contractor who is awarded the bid.

[1994 c 258 § 4.]

Notes:

Captions not law--1994 c 258: See note following RCW 36.70A.420.

RCW 47.01.310 Washington fruit express account.

The Washington fruit express account is created in the state treasury. All receipts from the operations of the Washington fruit express program must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the operations of the Washington fruit express program and for east-west passenger rail.

[2001 2nd sp.s. c 14 § 606.]

NOTES:

Severability--Effective date--2001 2nd sp.s. c 14: See notes following RCW 47.04.210.

RCW 47.01.900 Commute trip reduction program--Transfer from state energy office--References to director or state energy office.

(1) All powers, duties, and functions of the state energy office pertaining to the commute trip reduction program are transferred to the department of transportation. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the secretary or the department of transportation when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of transportation. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of transportation. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of transportation.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to the department of transportation.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state energy office engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of transportation to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the

powers, functions, and duties transferred shall be continued and acted upon by the department of transportation. All existing contracts and obligations, excluding personnel contracts and obligations, shall remain in full force and shall be performed by the department of transportation.

(5) The transfer of the powers, duties, functions, and personnel of the state energy office shall not affect the validity of any act performed before July 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

[1998 c 245 § 93; 1996 c 186 § 301.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Chapter 47.02 RCW DEPARTMENT BUILDINGS

Sections

| | |
|-----------|---|
| 47.02.010 | Buildings on east capitol site authorized--Financing. |
| 47.02.020 | Issuance and sale of limited obligation bonds. |
| 47.02.030 | Bonds--Term--Terms and conditions. |
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RCW 47.02.010 Buildings on east capitol site authorized--Financing.

The department is authorized in accordance with the provisions of this chapter and RCW 79.24.500 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories, and facilities on the east capitol site for the use of the commission and

the department and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests, or grants or by such additional funds as the legislature may provide.

[1984 c 7 § 83; 1977 ex.s. c 235 § 14; 1965 ex.s. c 167 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.02.020 Issuance and sale of limited obligation bonds.

In order to finance the immediate acquisition and construction of the buildings and facilities referred to in RCW 47.02.010 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million dollars, or such amount thereof and at such times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the orderly progress of said project.

[1965 ex.s. c 167 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.02.030 Bonds--Term--Terms and conditions.

Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance with such reserved rights of prior redemption, bearing such interest, and such terms and conditions as the state finance committee may prescribe, to be specified therein.

[1965 ex.s. c 167 § 3.]

RCW 47.02.040 Bonds--Signatures--Registration--Where payable--Negotiable instruments.

The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bond shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable

instruments.

[1965 ex.s. c 167 § 4.]

RCW 47.02.050 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund.

[1965 ex.s. c 167 § 5.]

RCW 47.02.060 Bonds--Bond proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition of the land and construction of the buildings and facilities referred to in RCW 47.02.010, and for payment of the expenses incurred in the drafting, printing, issuance and sale of any such bonds.

[1965 ex.s. c 167 § 6.]

RCW 47.02.070 Bonds--Statement describing nature of obligation--Pledge of excise taxes.

Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this chapter from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 and *chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this chapter.

[1965 ex.s. c 167 § 7.]

Notes:

*Reviser's note: Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33; for later enactment, see chapter 82.38 RCW.

RCW 47.02.080 Bonds--Designation of funds to repay bonds and interest.

Any funds required to repay such bonds, or the interest thereon when due, shall be taken

from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1984 c 7 § 84; 1965 ex.s. c 167 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.02.090 Bonds--Repayment procedure--Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this chapter when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1965 ex.s. c 167 § 9.]

RCW 47.02.100 Bonds--Sums in excess of retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1965 ex.s. c 167 § 10.]

RCW 47.02.110 Bonds--Appropriation from motor vehicle fund.

There is hereby appropriated from the motor vehicle fund to the state highway

commission for the biennium ending June 30, 1967, the sum of four million dollars, or so much thereof as may be necessary to carry out the provisions of this chapter, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund.

[1965 ex.s. c 167 § 11.]

RCW 47.02.120 District 1 headquarters bonds--Issuance and sale.

For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the Washington transportation commission a total of fifteen million dollars of general obligation bonds of the state of Washington.

[1990 c 293 § 1.]

Notes:

Severability--1990 c 293: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 293 § 10.]

RCW 47.02.130 District 1 headquarters bonds--Uses of proceeds.

Authorized uses of proceeds from the sale of bonds authorized in RCW 47.02.120 through 47.02.190 include but are not limited to repayment to the motor vehicle fund for the initial financing of the headquarters facilities.

[1999 c 94 § 11; 1990 c 293 § 2.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.140 District 1 headquarters bonds--Duties of state finance committee.

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the

project for which they were issued.

[1990 c 293 § 3.]

Notes:

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.150 District 1 headquarters bonds--Proceeds, deposit and use.

The proceeds from the sale of bonds authorized by RCW 47.02.120 through 47.02.190 shall be available only for the purposes enumerated in RCW 47.02.120 and 47.02.130; for the payment of bond anticipation notes, if any; and for the payment of bond issuance costs, including the costs of underwriting. Proceeds shall be deposited in the motor vehicle fund.

[1999 c 94 § 12; 1990 c 293 § 4.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.160 District 1 headquarters bonds--Statement of general obligation--Pledge of excise taxes.

Bonds issued under the authority of RCW 47.02.120 through 47.02.190 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in RCW 47.02.120 through 47.02.190 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.02.120 through 47.02.190, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.02.120 through 47.02.190.

[1995 c 274 § 5; 1990 c 293 § 5.]

Notes:

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.170 District 1 headquarters bonds--Repayment procedure--Designated funds.

Both principal and interest on the bonds issued for the purposes of RCW 47.02.120 through 47.02.190 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the

principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.02.120 through 47.02.190 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state under RCW 46.68.130. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state under RCW 46.68.130 proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1990 c 293 § 6.]

Notes:

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.190 District 1 headquarters bonds--Equal charges against certain revenues.

Bonds issued under the authority of RCW 47.02.120 through *47.02.180 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

[1990 c 293 § 8.]

Notes:

***Reviser's note:** RCW 47.02.180 was repealed by 1999 c 94 § 33, effective July 1, 1999.

Severability--1990 c 293: See note following RCW 47.02.120.

**Chapter 47.04 RCW
GENERAL PROVISIONS**

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Notes:

Mobile home movement permits and decals: RCW 46.44.170, 46.44.175.

RCW 47.04.010 Definitions.

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(12) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(13) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(14) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(15) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(16) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(17) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

(18) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(19) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

(20) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

(21) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

(22) "Pedestrian." Any person afoot;

(23) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

(24) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(25) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(26) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(27) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(28) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(29) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(30) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

(31) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

(32) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

(33) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(34) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(35) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(36) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;

(37) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(38) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

(39) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

(40) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

[1975 c 62 § 50; 1967 ex.s. c 145 § 42; 1961 c 13 § 47.04.010. Prior: 1937 c 53 § 1; RRS § 6400-1.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.
Aeronautics, definitions relating to: RCW 47.68.020.
Canal, defined: RCW 47.72.060.
Department, commission, secretary--Defined: RCW 47.01.021.
Ferry workers, marine employees, definitions relating to: RCW 47.64.011.
Junkyards, definitions relating to: RCW 47.41.020.
Limited access facilities, definitions relating to: RCW 46.52.010.
Signs and scenic vistas, definitions relating to: RCW 47.42.020.
Toll bridges, roads, definitions relating to: RCW 47.56.010.
Urban arterials, definitions relating to: RCW 47.26.040, 47.26.090, 47.26.100, 47.26.110.
Urban public transportation systems--Defined: RCW 47.04.082.

RCW 47.04.015 Change of meaning, certain terms.

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission), "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the Washington toll bridge authority) is used, it shall mean the department of transportation created in RCW 47.01.031.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in RCW 47.01.041.

[1977 ex.s. c 151 § 23.]

RCW 47.04.020 Classification of highways.

All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as state highways and county roads. All state highways and branches thereof shall be established by the legislature of the state of Washington by appropriate general location and termini. Any prior distinctions between highways as primary or secondary are hereby abolished. All powers granted to, or duties imposed upon, the department with regard to either primary or secondary state highways shall be construed to relate to all state highways. Whenever these terms are used, either jointly or independently, each shall be construed to include all state highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as state highways, are hereby declared to be county roads.

[1984 c 7 § 85; 1967 ex.s. c 145 § 41; 1963 c 24 § 3; 1961 c 13 § 47.04.020. Prior: 1937 c 207 § 1; RRS § 6402-1; 1937 c 53 § 5; RRS § 6400-5; 1913 c 65 § 1; RRS § 6790.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Highway designation system--Signs: RCW 47.36.095.

RCW 47.04.040 Title to rights of way vested in state.

Upon and after April 1, 1937, all rights of way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, or other highway or road district or political subdivision of the state of Washington shall be and the same is hereby transferred to and vested in the state of Washington for use in conjunction with such primary state highways under the department of transportation.

All public highways in the state of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven years prior to April 1, 1937, at the expense of the state shall operate to vest in the state of Washington all right, title, and interest to the right of ways thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public highways or to divest the state of Washington of any right, title and interest in the right of way thereof.

[1979 ex.s. c 30 § 7; 1961 c 13 § 47.04.040. Prior: 1937 c 53 § 29; RRS § 6400-29.]

RCW 47.04.050 Acceptance of federal acts.

The state of Washington hereby assents to the purposes, provisions, terms and conditions

of the grant of money provided in an act of congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the state of Washington.

[1961 c 13 § 47.04.050. Prior: 1937 c 53 § 43; RRS § 6400-43; 1917 c 76 § 1; RRS § 6844.]

RCW 47.04.060 Administration of federal grants.

The department is authorized and directed to act for and on behalf of the state of Washington, and any political subdivision of the state, in all things pertaining to the selection, construction, and maintenance of highways and roads under the provisions of the act of congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of transportation or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of state highway, county road, or city or town street selected by law for construction or improvement through an appropriation for the period in which the construction or improvement is to be made. The money shall be added to and expended in connection with the appropriation aforesaid; and shall apply thereto, as may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road, or street fund of any political subdivision, and which are available for the construction and maintenance of any section of state highway, county road, or city or town street selected as aforesaid for such aid and improvement.

[1984 c 7 § 86; 1961 c 13 § 47.04.060. Prior: 1937 c 53 § 47; RRS § 6400-47; 1917 c 76 § 5, part; RRS § 6848, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.070 Conformity with federal requirements.

In all matters relating to the cooperative construction or improvement of any state highway, county road, or city or town street for which federal funds or aid is secured under any act of congress, the department shall act in the manner provided by state law relating to state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of congress and the rules and regulations made by the secretary of transportation or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the department as may be necessary.

[1984 c 7 § 87; 1961 c 13 § 47.04.070. Prior: 1937 c 53 § 44; RRS § 6400-44; 1917 c 76 § 5, part; RRS § 6848, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.080 Joint action with other governments and agencies.

The department is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting, constructing, operating, or maintaining of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor.

[1984 c 7 § 88; 1973 1st ex.s. c 151 § 11; 1961 c 13 § 47.04.080. Prior: 1937 c 53 § 47 1/2; RRS § 6400-47 1/2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.081 Urban public transportation systems--Participation in planning, development, and establishment.

The department is empowered to join financially or otherwise with any public agency or any county, city, or town in the state of Washington or any other state, or with the federal government or any agency thereof, or with any or all thereof for the planning, development, and establishment of urban public transportation systems in conjunction with new or existing highway facilities.

[1984 c 7 § 89; 1967 c 108 § 13; 1965 ex.s. c 170 § 63.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.04.082 Urban public transportation systems--Defined.

As used in this act the term "urban public transportation system" shall mean a system for the public transportation of persons or property by buses, street cars, trains, electric trolley coaches, other public transit vehicles, or any combination thereof operating in or through predominantly urban areas and owned and operated by the state, any city or county or any municipal corporation of the state, including all structures, facilities, vehicles and other property rights and interest forming a part of such a system.

[1967 c 108 § 1.]

Notes:

Reviser's note: The term "this act" refers to 1967 c 108, codified as RCW 47.04.082, 47.04.083, 47.98.044, and the 1967 amendments to RCW 47.04.081, 47.08.070, 47.12.010, 47.12.250, 47.28.140, 47.44.010, 47.44.040, 47.48.010, 47.52.010, 47.52.090, and 47.56.256.

RCW 47.04.083 Urban public transportation systems--Declaration of public policy--Use of motor vehicle, city street, or county road funds.

The separate and uncoordinated development of public highways and urban public transportation systems is wasteful of this state's natural and financial resources. It is the public policy of this state to encourage wherever feasible the joint planning, construction and maintenance of public highways and urban public transportation systems serving common geographical areas as joint use facilities. To this end the legislature declares it to be a highway purpose to use motor vehicle funds, city and town street funds or county road funds to pay the full proportionate highway, street or road share of the costs of design, right of way acquisition, construction and maintenance of any highway, street or road to be used jointly with an urban public transportation system.

[1967 c 108 § 2.]

RCW 47.04.090 Penalty.

It is a misdemeanor for any person to violate any of the provisions of this title unless specifically provided otherwise by this title or other law of this state.

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

[1989 c 224 § 2; 1961 c 13 § 47.04.090. Prior: 1937 c 53 § 95; RRS § 6400-95.]

RCW 47.04.100 Temporary route pending construction of new highway--Streets, roads not to be maintained as.

Unless otherwise provided, whenever by statute a new highway or extension is added to the state highway system, no existing city street or county road may be maintained or improved by the department as a temporary route of such new highway or extension pending the construction of the new highway or extension on the location adopted by the department.

[1984 c 7 § 90; 1973 1st ex.s. c 151 § 12; 1965 ex.s. c 170 § 34.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.140 Counties obtaining federal aid for construction, reconstruction, etc., of ferry boats or approaches.

Whenever a county that operates or proposes to operate ferries obtains federal aid for the construction, reconstruction, or modification of any ferry boat or approaches thereto under Title 23, United States Code, the following provisions apply to the county's operation of its ferries:

(1) The county shall obtain from the department a franchise authorizing the ferry

operations. The county's application for a franchise or amended franchise shall designate all ferry routes it proposes to operate. The department shall issue the franchise or amended franchise for the operation of each route that it finds is not otherwise served by adequate transportation facilities. A county may terminate any ferry route without approval of the department.

(2) At least ninety days before applying for federal aid for the construction, reconstruction, or modification of any of its ferries or approaches thereto, and thereafter whenever new tolls or charges are proposed for use of its ferries, the county shall file with the department, the current or proposed schedule of tolls and charges for use of its ferries. Such tolls and charges shall be deemed approved by the department unless it finds that the aggregate revenues to be derived from the county's ferry operations will exceed the amount required to pay the actual and necessary costs of operation, maintenance, administration, and repair of the county's ferries and their appurtenances.

[1989 c 62 § 1; 1984 c 7 § 91; 1975-'76 2nd ex.s. c 65 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.150 Outstanding bonds--Savings.

While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the state aeronautics commission, the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by RCW 47.01.031, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by *RCW 47.01.111 to the department of transportation, or any powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bond, warrant, certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official, or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: PROVIDED, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds, warrants, certificates, or receipts.

[1977 ex.s. c 151 § 19.]

Notes:

***Reviser's note:** RCW 47.01.111 was decodified pursuant to 1985 c 6 § 26.

RCW 47.04.160 Lewis and Clark bridge.

In commemoration of the 175th anniversary of captains Meriwether Lewis and William Clark's epic journey from Wood River, Illinois, to Cape Disappointment, Washington, and to

fully honor the expedition's passing the present location of the city of Longview, Washington, in November, 1805, and to couple this commemoration with the dedication of the bridge from Longview, Washington, to Rainier, Oregon, on March 29, 1930, the official name of this bridge is changed from the Longview-Columbia bridge to the Lewis and Clark bridge.

[1980 c 5 § 1.]

RCW 47.04.170 Federal agreements for public transportation, rail transportation.

The department of transportation is authorized to enter into and perform agreements with federal agencies as may be necessary to secure federal grants, loans, or other assistance on its own behalf or on behalf of other public or private recipients for:

- (1) Public transportation purposes, including but not limited to, bus transportation, specialized transportation services for the elderly and handicapped, and ride sharing activities; and
- (2) Rail transportation.

[1985 c 20 § 1.]

RCW 47.04.180 Twenty-four hour headlight policy.

On the recommendation of their public works departments or designees, counties or cities can petition the department of transportation to create a "twenty-four hour headlight policy" on state highways in their respective jurisdictions. The department shall develop criteria for approval or disapproval, such as traffic volume, accident statistics, and costs of signs. The department shall notify all counties about this program.

A jurisdiction requesting such a policy shall periodically report to the department regarding its educational efforts. A jurisdiction may petition the department to remove such a policy.

The jurisdiction shall educate its citizens on the "twenty-four hour headlight policy." The department shall place and maintain appropriate signs along the designated highway. Participating jurisdictions shall share in the cost of signing in an amount as determined by the department.

[1998 c 245 § 94; 1989 c 195 § 1.]

RCW 47.04.190 Bicycle transportation management program.

(1) The department of transportation is responsible for the initiation, coordination, and operation of a bicycle transportation management program.

(2) To assist in the operation of the bicycle transportation management program, a full-time staff position of state bicycle program manager is established within the department of transportation.

[1991 c 214 § 5.]

Notes:

Bicycle awareness program: RCW 43.43.390.

Pavement marking standards: RCW 47.36.280.

RCW 47.04.200 Bicycle program manager.

The state bicycle program manager shall:

- (1) Design programs that encourage the use of bicycling for transportation;
- (2) Coordinate bicycle safety related programs and bicycle tourism programs in all state agencies;
- (3) Assist the department of transportation and the cities and counties of the state in assigning priorities to, programming, and developing bicycle-related projects;
- (4) Serve as a clearinghouse for bicycle program information and resources;
- (5) Provide assistance in revising and updating bicycle material of the superintendent of public instruction and the state patrol;
- (6) Promote the use of bicycle helmets of a type certified to meet the requirements of standard Z-90.4 of the American National Standards Institute or such subsequent nationally recognized standard for bicycle helmet performance; and
- (7) Promote bicycle safety equipment.

[1991 c 214 § 6.]

RCW 47.04.210 Reimbursable transportation expenditures--Processing and accounting.

Federal funds that are administered by the department of transportation and are passed through to municipal corporations or political subdivisions of the state and moneys that are received as total reimbursement for goods, services, or projects constructed by the department of transportation are removed from the transportation budget. To process and account for these expenditures a new treasury trust account is created to be used for all department of transportation one hundred percent federal and local reimbursable transportation expenditures. This new account is nonbudgeted and nonappropriated. At the same time, federal and private local appropriations and full-time equivalents in subprograms R2, R3, T6, Y6, and Z2 processed through this new account are removed from the department of transportation's 1997-99 budget.

The department of transportation may make expenditures from the account before receiving federal and local reimbursements. However, at the end of each biennium, the account must maintain a zero or positive cash balance. In the twenty-fourth month of each biennium the department of transportation shall calculate and transfer sufficient cash from either the motor vehicle fund or the multimodal transportation account to cover any negative cash balances. The amount transferred is calculated based on expenditures from each fund. In addition, any interest charges accruing to the new account must be distributed to the motor vehicle fund and the multimodal transportation account.

The department of transportation shall provide an annual report to the legislative

transportation committee and the office of financial management on expenditures and full-time equivalents processed through the new account. The report must also include recommendations for process changes, if needed.

[2001 2nd sp.s. c 14 § 601; 1997 c 94 § 1.]

NOTES:

Severability--2001 2nd sp.s. c 14: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2001 2nd sp.s. c 14 § 612.]

Effective date--2001 2nd sp.s. c 14: "Except for section 608 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 26, 2001]." [2001 2nd sp.s. c 14 § 613.]

Effective date--1997 c 94: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 94 § 4.]

RCW 47.04.220 Miscellaneous transportation programs account.

(1) The miscellaneous transportation programs account is created in the custody of the state treasurer.

(2) Moneys from the account may be used only for the costs of:

(a) Miscellaneous transportation services provided by the department that are reimbursed by other public and private entities;

(b) Local transportation projects for which the department is a conduit for federal reimbursement to a municipal corporation or political subdivision; or

(c) Other reimbursable activities as recommended by the legislative transportation committee and approved by the office of financial management.

(3) Moneys received as reimbursement for expenditures under subsection (2) of this section must be deposited into the account.

(4) No appropriation is required for expenditures from this account. This fund is not subject to allotment procedures provided under chapter 43.88 RCW.

(5) Only the secretary of transportation or the secretary's designee may authorize expenditures from the account.

(6) It is the intent of the legislature that this account maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the department may make expenditures from the account before receiving reimbursements under subsection (2) of this section. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the miscellaneous transportation programs account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the miscellaneous transportation programs account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the miscellaneous transportation programs

account to the motor vehicle fund and the multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.

(7) The department shall provide an annual report to the legislative transportation committee and the office of financial management on the expenditures and full-time equivalents processed through the miscellaneous transportation programs account. The report must also include recommendations for changes to the process, if needed.

[2001 2nd sp.s. c 14 § 602; 1997 c 94 § 2.]

NOTES:

Severability--Effective date--2001 2nd sp.s. c 14: See notes following RCW 47.04.210.

Effective date--1997 c 94: See note following RCW 47.04.210.

RCW 47.04.230 Dredge spoils--Cowlitz County.

The legislature finds and declares that the December 19, 1991, Washington state conveyance of the Mt. St. Helens Recovery Program, LT-1 and Cook Ferry Road Sites, to Cowlitz County, should be amended to enable Cowlitz County to use dredge spoils revenues for recreational purposes throughout the county.

The legislature further declares that the department of transportation shall execute sufficient legal release to accomplish the following:

(1) Dredge spoil revenues from either the LT-1 or Cook Ferry Road Site must be dedicated for recreational facilities and recreational administration costs throughout the county;

(2) Any mining excavation must meet the requirements of the Shoreline Management Act of 1971 as identified in chapter 90.58 RCW;

(3) Both the LT-1 and Cook Ferry Road Site must be preserved as a long-term dredging facility;

(4) All other requirements in the December 19, 1991, conveyance between the state of Washington and Cowlitz County will remain in effect; and

(5) The LT-1 and Cook Ferry Road Site remains subject to any agreements with the United States Army Corps of Engineers and other agencies of the federal government.

[1999 c 63 § 1.]

RCW 47.04.235 Dredge spoils--Castle Rock.

The legislature finds and declares that the December 20, 1993, Washington state conveyance of the Mt. St. Helens recovery program, CR601F site, to the city of Castle Rock, should be amended to enable the city to use dredge spoil revenues for recreational purposes adjacent to the Cowlitz river in the city limits of Castle Rock, and also those other properties owned by the city of Castle Rock that are adjacent to the Cowlitz river.

The legislature further declares that the department of transportation shall execute sufficient legal release to accomplish the following:

(1) Dredge spoil revenues from the CR601F site must be dedicated for recreational facilities and recreational administration cost throughout the defined area listed above;

(2) Any mining excavation must meet the requirements of the Shoreline Management Act of 1971 as identified in chapter 90.58 RCW;

(3) All other requirements in the December 20, 1993, conveyance between the state of Washington and the city of Castle Rock will remain in effect; and

(4) The CR601F site remains subject to any agreements with the United States Army Corps of Engineers and other agencies of the federal government.

[2000 c 13 § 1.]

RCW 47.04.240 Public transportation information--Confidentiality.

The department, a county, city, town, any other public entity, and any private entity under the public-private transportation initiatives authorized under chapter 47.46 RCW, that provides transit, high-speed ground transportation, high capacity transportation service, ferry service, toll facilities, or other public transportation service or facilities may only use personally identifiable information obtained from the use of electronic toll payments, transit passes, or other fare media such as magnetic strip cards or stored value cards for billing purposes. This information may not be used to track or monitor individual use of the public transportation facilities or service, except for billing purposes and to provide statistical compilations and reports that do not identify an individual.

[1999 c 215 § 2.]

Notes:

Personally identifying transit information exempt from disclosure: RCW 42.17.310.

**Chapter 47.05 RCW
PRIORITY PROGRAMMING FOR HIGHWAY DEVELOPMENT**

Sections

| | |
|-----------|--|
| 47.05.010 | Declaration of purpose. |
| 47.05.021 | Functional classification of highways. |
| 47.05.030 | Six-year programs--Investments, improvements, preservation. |
| 47.05.035 | Allocation of funds, factors. |
| 47.05.051 | Six-year comprehensive investment program--Priority selection criteria--Improvement program criteria--Departure from criteria. |
| 47.05.090 | Application of 1993 c 490--Deviations. |

RCW 47.05.010 Declaration of purpose.

The legislature finds that solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as

its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits and which are systematically scheduled to carry out defined objectives within available revenue.

The priority programming system shall ensure preservation of the existing state highway system, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system shall implement the state-owned highway component of the state-wide multimodal transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions which address identified state highway system deficiencies.

The priority programming system for improvements shall incorporate a broad range of solutions that are identified in the state-wide multimodal transportation plan as appropriate to address state highway system deficiencies including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

[1993 c 490 § 1; 1969 ex.s. c 39 § 1; 1963 c 173 § 1.]

RCW 47.05.021 Functional classification of highways.

(1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according

to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The transportation commission shall designate state highways of state-wide significance under RCW 47.06.140, and shall submit a list of such facilities for adoption by the 1999 legislature. This state-wide system shall include at a minimum interstate highways and other state-wide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This state-wide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

[1998 c 245 § 95; 1998 c 171 § 5; 1993 c 490 § 2; 1987 c 505 § 50; 1979 ex.s. c 122 § 1; 1977 ex.s. c 130 § 1.]

Notes:

Reviser's note: This section was amended by 1998 c 171 § 5 and by 1998 c 245 § 95, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1979 ex.s. c 122: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 122 § 10.]

Effective dates--1977 ex.s. c 130: "Section 1 of this 1977 act modifying the functional classification of state highways shall apply to the long range plan for highway improvements and to the six year program for highway construction commencing July 1, 1979 and to the preparation thereof and shall take effect July 1, 1977. Section 2 of this 1977 act shall take effect July 1, 1979." [1977 ex.s. c 130 § 3.] "Section 1 of this 1977 act" is codified as RCW 47.05.021; "Section 2 of this 1977 act" repealed RCW 47.05.020.

RCW 47.05.030 Six-year programs--Investments, improvements, preservation.

The transportation commission shall adopt a comprehensive six-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The needs analysis process shall

ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program shall be revised biennially, effective on July 1st of odd-numbered years. The investment program shall be based upon the needs identified in the state-owned highway component of the state-wide multimodal transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program shall consist of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The comprehensive six-year investment program for preservation shall identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program shall consist of investments needed to address identified deficiencies on the state highway system to improve mobility, safety, support for the economy, and protection of the environment. The six-year investment program for improvements shall identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of state-wide significance as defined in RCW 47.06.140.

The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

[1998 c 171 § 6; 1993 c 490 § 3; 1987 c 179 § 2; 1979 ex.s. c 122 § 2; 1977 ex.s. c 151 § 44; 1975 1st ex.s. c 143 § 1; 1973 2nd ex.s. c 12 § 4; 1969 ex.s. c 39 § 3; 1965 ex.s. c 170 § 33; 1963 c 173 § 3.]

Notes:

Severability--1979 ex.s. c 122: See note following RCW 47.05.021.

RCW 47.05.035 Allocation of funds, factors.

In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

(1) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

(2) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

(3) The continuity of future transportation development with those improvements previously programmed; and

(4) The availability of dedicated funds for a specific type of work.

[1993 c 490 § 4; 1987 c 179 § 3; 1979 ex.s. c 122 § 3; 1975 1st ex.s. c 143 § 2.]

Notes:

Severability--1979 ex.s. c 122: See note following RCW 47.05.021.

RCW 47.05.051 Six-year comprehensive investment program--Priority selection criteria--Improvement program criteria--Departure from criteria.

The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the state-wide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

(1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

- (a) Extending the service life of the existing highway system;
- (b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and
- (c) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

(2) Priority programming for the improvement program shall take into account the following:

- (a) Support for the state's economy, including job creation and job preservation;
- (b) The cost-effective movement of people and goods;
- (c) Accident and accident risk reduction;
- (d) Protection of the state's natural environment;
- (e) Continuity and systematic development of the highway transportation network;
- (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW;
- (g) Consistency with regional transportation plans developed under chapter 47.80 RCW;
- (h) Public views concerning proposed improvements;
- (i) The conservation of energy resources;
- (j) Feasibility of financing the full proposed improvement;
- (k) Commitments established in previous legislative sessions;
- (l) Relative costs and benefits of candidate programs;
- (m) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; and
- (n) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

(3) The commission may depart from the priority programming established under subsections (1) and (2) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding

agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

(4) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

[1998 c 175 § 12; 1993 c 490 § 5; 1987 c 179 § 5; 1979 ex.s. c 122 § 5; 1975 1st ex.s. c 143 § 4.]

Notes:

Severability--1998 c 175: See RCW 47.06A.900.

Severability--1979 ex.s. c 122: See note following RCW 47.05.021.

RCW 47.05.090 Application of 1993 c 490--Deviations.

The provisions of chapter 490, Laws of 1993 modifying procedures for priority programming for highway development as set forth in chapter 47.05 RCW, first apply to the comprehensive six-year state highway investment program for the periods 1995 to 2001. For the transition biennium ending June 30, 1995, the commission may deviate from the modified procedures prescribed by chapter 490, Laws of 1993.

[1993 c 490 § 6.]

**Chapter 47.06 RCW
STATE-WIDE TRANSPORTATION PLANNING**

Sections

| | |
|-----------|---|
| 47.06.010 | Findings. |
| 47.06.020 | Role of department. |
| 47.06.030 | Transportation policy plan. |
| 47.06.040 | State-wide multimodal transportation plan. |
| 47.06.045 | Freight mobility plan. |
| 47.06.050 | State-owned facilities component. |
| 47.06.060 | Aviation plan. |
| 47.06.070 | Marine ports and navigation plan. |
| 47.06.080 | Freight rail plan. |
| 47.06.090 | Intercity passenger rail plan. |
| 47.06.100 | Bicycle transportation and pedestrian walkways plan. |
| 47.06.110 | Public transportation plan. |
| 47.06.120 | High-capacity transportation planning and regional transportation planning--Role of department. |
| 47.06.130 | Special planning studies. |
| 47.06.140 | Transportation facilities and services of state-wide significance--Level of service standards. |
| 47.06.900 | Captions not part of law--1993 c 446. |

Notes:

Environmental review of transportation projects: RCW 47.01.290.

RCW 47.06.010 Findings.

The legislature recognizes that the ownership and operation of Washington's transportation system is spread among federal, state, and local government agencies, regional transit agencies, port districts, and the private sector. The legislature also recognizes that transportation planning authority is shared on the local, regional, and state levels, and that this planning must be a comprehensive and coordinated effort. While significant authority for transportation planning is vested with local agencies and regional transportation planning organizations under the growth management act, the legislature recognizes that certain transportation issues and facilities cross local and regional boundaries and are vital to the state-wide economy and the cross-state mobility of people and goods. Therefore, the state has an appropriate role in developing state-wide transportation plans that address state jurisdiction facilities and services as well as transportation facilities and services of state interest. These plans shall serve as a guide for short-term investment needs and provide a long-range vision for transportation system development.

[1993 c 446 § 1.]

RCW 47.06.020 Role of department.

The specific role of the department in transportation planning shall be (1) ongoing coordination and development of state-wide transportation policies that guide all Washington transportation providers; (2) ongoing development of a state-wide multimodal transportation plan that includes both state-owned and state-interest facilities and services; (3) coordinating the state high-capacity transportation planning and regional transportation planning programs; and (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of state-wide significance. Specific requirements for each of these state transportation planning components are described in this chapter.

[1993 c 446 § 2.]

RCW 47.06.030 Transportation policy plan.

The commission shall develop a state transportation policy plan that (1) establishes a vision and goals for the development of the state-wide transportation system consistent with the state's growth management goals, (2) identifies significant state-wide transportation policy issues, and (3) recommends state-wide transportation policies and strategies to the legislature to fulfill the requirements of RCW 47.01.071(1). The state transportation policy plan shall be the product of an ongoing process that involves representatives of significant transportation interests

and the general public from across the state. The plan shall address how the department of transportation will meet the transportation needs and expedite the completion of industrial projects of state-wide significance.

[1997 c 369 § 8; 1993 c 446 § 3.]

Notes:

Industrial project of state-wide significance--Defined: RCW 43.157.010.

RCW 47.06.040 State-wide multimodal transportation plan.

The department shall develop a state-wide multimodal transportation plan under RCW 47.01.071(3) and in conformance with federal requirements, to ensure the continued mobility of people and goods within regions and across the state in a safe, cost-effective manner. The state-wide multimodal transportation plan shall consist of:

(1) A state-owned facilities component, which shall guide state investment for state highways including bicycle and pedestrian facilities, and state ferries; and

(2) A state-interest component, which shall define the state interest in aviation, marine ports and navigation, freight rail, intercity passenger rail, bicycle transportation and pedestrian walkways, and public transportation, and recommend actions in coordination with appropriate public and private transportation providers to ensure that the state interest in these transportation modes is met.

The plans developed under each component must be consistent with the state transportation policy plan and with each other, reflect public involvement, be consistent with regional transportation planning, high-capacity transportation planning, and local comprehensive plans prepared under chapter 36.70A RCW, and include analysis of intermodal connections and choices. A primary emphasis for these plans shall be the relief of congestion, the preservation of existing investments, the improvement of traveler safety, the efficient movement of freight and goods, and the improvement and integration of all transportation modes to create a seamless intermodal transportation system for people and goods.

In the development of the state-wide multimodal transportation plan, the department shall identify and document potential affected environmental resources, including, but not limited to, wetlands, storm water runoff, flooding, air quality, fish passage, and wildlife habitat. The department shall conduct its environmental identification and documentation in coordination with all relevant environmental regulatory authorities, including, but not limited to, local governments. The department shall give the relevant environmental regulatory authorities an opportunity to review the department's environmental plans. The relevant environmental regulatory authorities shall provide comments on the department's environmental plans in a timely manner. Environmental identification and documentation as provided for in RCW 47.01.300 and this section is not intended to create a private right of action or require an environmental impact statement as provided in chapter 43.21C RCW.

[1998 c 199 § 1; 1994 c 258 § 5; 1993 c 446 § 4.]

Notes:

Captions not law--1994 c 258: See note following RCW 36.70A.420.

RCW 47.06.045 Freight mobility plan.

The state-interest component of the state-wide multimodal transportation plan shall include a freight mobility plan which shall assess the transportation needs to ensure the safe, reliable, and efficient movement of goods within and through the state and to ensure the state's economic vitality.

[1998 c 175 § 10.]

Notes:

Severability--1998 c 175: See RCW 47.06A.900.

RCW 47.06.050 State-owned facilities component.

The state-owned facilities component of the state-wide transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway

program and the two-year biennial budget request to the legislature;

(c) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(d) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, and develop strategies for ferry system investment that consider regional and state-wide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

[1993 c 446 § 5.]

RCW 47.06.060 Aviation plan.

The state-interest component of the state-wide multimodal transportation plan shall include an aviation plan, which shall fulfill the state-wide aviation planning requirements of the federal government, coordinate state-wide aviation planning, and identify the program needs for public use and state airports.

[1993 c 446 § 6.]

RCW 47.06.070 Marine ports and navigation plan.

The state-interest component of the state-wide multimodal transportation plan shall include a state marine ports and navigation plan, which shall assess the transportation needs of Washington's marine ports, including navigation, and identify transportation system improvements needed to support the international trade and economic development role of Washington's marine ports.

[1993 c 446 § 7.]

RCW 47.06.080 Freight rail plan.

The state-interest component of the state-wide multimodal transportation plan shall include a state freight rail plan, which shall fulfill the state-wide freight rail planning requirements of the federal government, identify freight rail mainline issues, identify light-density freight rail lines threatened with abandonment, establish criteria for determining the importance of preserving the service or line, and recommend priorities for the use of state rail assistance and state rail banking program funds, as well as other available sources of funds. The plan shall also identify existing intercity rail rights of way that should be preserved for future transportation use.

[1993 c 446 § 8.]

RCW 47.06.090 Intercity passenger rail plan.

The state-interest component of the state-wide multimodal transportation plan shall include an intercity passenger rail plan, which shall analyze existing intercity passenger rail service and recommend improvements to that service under the state passenger rail service program including depot improvements, potential service extensions, and ways to achieve higher train speeds.

[1993 c 446 § 9.]

RCW 47.06.100 Bicycle transportation and pedestrian walkways plan.

The state-interest component of the state-wide multimodal transportation plan shall include a bicycle transportation and pedestrian walkways plan, which shall propose a state-wide strategy for addressing bicycle and pedestrian transportation, including the integration of bicycle and pedestrian pathways with other transportation modes; the coordination between local governments, regional agencies, and the state in the provision of such facilities; the role of such facilities in reducing traffic congestion; and an assessment of state-wide bicycle and pedestrian transportation needs. This plan shall satisfy the federal requirement for a long-range bicycle transportation and pedestrian walkways plan.

[1993 c 446 § 10.]

RCW 47.06.110 Public transportation plan.

The state-interest component of the state-wide multimodal transportation plan shall include a state public transportation plan that:

- (1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;
- (2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;
- (3) Recommends mechanisms for coordinating state, regional, and local planning for

public transportation;

(4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;

(5) Recommends criteria, consistent with the goals identified in subsection (2) of this section and with RCW 82.44.180 (2) and (3), for existing federal authorizations administered by the department to transit agencies; and

(6) Recommends a state-wide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of community, trade, and economic development, social and health services, and ecology, the office of the superintendent of public instruction, the office of the governor, and the office of financial management.

The department shall submit an initial report to the legislative transportation committee by December 1, 1993, and shall provide annual reports summarizing the plan's progress each year thereafter.

[1996 c 186 § 512; 1995 c 399 § 120; 1993 c 446 § 11.]

NOTES:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Environmental review of transportation projects: RCW 47.01.290.

RCW 47.06.120 High-capacity transportation planning and regional transportation planning--Role of department.

The department's role in high-capacity transportation planning and regional transportation planning is to administer state planning grants for these purposes, represent the interests of the state in these regional planning processes, and coordinate other department planning with these regional efforts, including those under RCW 81.104.060.

[1993 c 446 § 12.]

RCW 47.06.130 Special planning studies.

The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other state-wide transportation issues.

[1993 c 446 § 13.]

RCW 47.06.140 Transportation facilities and services of state-wide significance--Level of service standards.

The legislature declares the following transportation facilities and services to be of state-wide significance: The interstate highway system, interregional state principal arterials including ferry connections that serve state-wide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of state-wide significance in the state-wide multimodal plan. Improvements to facilities and services of state-wide significance identified in the state-wide multimodal plan are essential state public facilities under RCW 36.70A.200.

The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of state-wide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of state-wide significance. In establishing level of service standards for state highways and state ferry routes of state-wide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities.

[1998 c 171 § 7.]

RCW 47.06.900 Captions not part of law--1993 c 446.

Captions used in this chapter do not constitute any part of the law.

[1993 c 446 § 16.]

**Chapter 47.06A RCW
FREIGHT MOBILITY**

Sections

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| 47.06A.001 | Findings. |
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| 47.06A.080 | Port district development plans. |

47.06A.900 Severability--1998 c 175.

RCW 47.06A.001 Findings.

The legislature finds that:

(1) Washington state is uniquely positioned as a gateway to the global economy. As the most trade-dependent state in the nation, per capita, Washington's economy is highly dependent on an efficient multimodal transportation network in order to remain competitive.

(2) The vitality of the state's economy is placed at risk by growing traffic congestion that impedes the safe and efficient movement of goods. The absence of a comprehensive and coordinated state policy that facilitates freight movements to local, national, and international markets limits trade opportunities.

(3) Freight corridors that serve international and domestic interstate and intrastate trade, and those freight corridors that enhance the state's competitive position through regional and global gateways are strategically important. In many instances, movement of freight on these corridors is diminished by: Barriers that block or delay access to intermodal facilities where freight is transferred from one mode of transport to another; conflicts between rail and road traffic; constraints on rail capacity; highway capacity constraints, congestion, and condition; waterway system depths that affect capacity; and institutional, regulatory, and operational barriers.

(4) Rapidly escalating population growth is placing an added burden on streets, roads, and highways that serve as freight corridors. Community benefits from economic activity associated with freight movement often conflict with community concerns over safety, mobility, [and] environmental quality. Efforts to minimize community impacts in areas of high freight movements that encourage the active participation of communities in the early stages of proposed public and private infrastructure investments will facilitate needed freight mobility improvements.

(5) Ownership of the freight mobility network is fragmented and spread across various public jurisdictions, private companies, and state and national borders. Transportation projects have grown in complexity and size, requiring more resources and longer implementation time frames. Currently, there is no comprehensive and integrated framework for planning the freight mobility needs of public and private stakeholders in the freight transportation system. A coordinated planning process should identify new infrastructure investments that are integrated by public and private planning bodies into a multimodal and multijurisdictional network in all areas of the state, urban and rural, east and west. The state should integrate freight mobility goals with state policy on related issues such as economic development, growth management, and environmental management.

(6) State investment in projects that enhance or mitigate freight movements, should pay special attention to solutions that utilize a corridor solution to address freight mobility issues with important transportation and economic impacts beyond any local area. The corridor approach builds partnerships and fosters coordinated planning among jurisdictions and the public

and private sectors.

(7) It is the policy of the state of Washington that limited public transportation funding and competition between freight and general mobility improvements for the same fund sources require strategic, prioritized freight investments that reduce barriers to freight movement, maximize cost-effectiveness, yield a return on the state's investment, require complementary investments by public and private interests, and solve regional freight mobility problems. State financial assistance for freight mobility projects must leverage other funds from all potential partners and sources, including federal, county, city, port district, and private capital.

[1998 c 175 § 1.]

RCW 47.06A.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the freight mobility strategic investment board created in RCW 47.06A.030.

(2) "Department" means the department of transportation.

(3) "Freight mobility" means the safe, reliable, and efficient movement of goods within and through the state to ensure the state's economic vitality.

(4) "Local governments" means cities, towns, counties, special purpose districts, port districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts.

(5) "Public entity" means a state agency, city, town, county, port district, or municipal or regional planning organization.

(6) "Strategic freight corridor" means a transportation corridor of great economic importance within an integrated freight system that:

(a) Serves international and domestic interstate and intrastate trade;

(b) Enhances the state's competitive position through regional and global gateways;

(c) Carries freight tonnages of at least:

(i) Four million gross tons annually on state highways, city streets, and county roads;

(ii) Five million gross tons annually on railroads; or

(iii) Two and one-half million net tons on waterways; and

(d) Has been designated a strategic corridor by the board under RCW 47.06A.020(3).

However, new alignments to, realignments of, and new links to strategic corridors that enhance freight movement may qualify, even though no tonnage data exists for facilities to be built in the future.

[1998 c 175 § 2.]

RCW 47.06A.020 Board--Duties.

(1) The board shall:

(a) Adopt rules and procedures necessary to implement the freight mobility strategic

investment program;

(b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and

(c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget request to the office of financial management and the legislature. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the office of financial management and the legislative transportation committee.

(2) The board may:

(a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or grants;

(b) Provide technical assistance to project applicants;

(c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.

(4) From June 11, 1998, through the biennium ending June 30, 2001, the board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:

(a) The project must be on a strategic freight corridor;

(b) The project must meet one of the following conditions:

(i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or

(ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or

(iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; and

(c) The project must have a total public benefit/total public cost ratio of equal to or greater than one.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

[1999 c 216 § 1; 1998 c 175 § 3.]

RCW 47.06A.030 Board--Creation--Membership.

(1) The freight mobility strategic investment board is created. The board shall convene by July 1, 1998.

(2) The board is composed of twelve members. The following members are appointed by the governor for terms of four years, except that five members initially are appointed for terms of two years: (a) Two members, one of whom is from a city located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the association of Washington cities or its successor; (b) two members, one of whom is from a county having a strategic freight corridor within its boundaries, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor; (c) two members, one of whom is from a port district located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the Washington public ports association or its successor; (d) one member representing the office of financial management; (e) one member

appointed as a representative of the trucking industry; (f) one member appointed as a representative of the railroads; (g) the secretary of the department of transportation; (h) one member representing the steamship industry; and (i) one member of the general public. In appointing the general public member, the governor shall endeavor to appoint a member with special expertise in relevant fields such as public finance, freight transportation, or public works construction. The governor shall appoint the general public member as chair of the board. In making appointments to the board, the governor shall ensure that each geographic region of the state is represented.

(3) Members of the board shall be reimbursed for reasonable and customary travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations and departments under subsection (2) of this section must be filled from a list of at least four persons nominated by the relevant association or associations.

(5) The appointments made in subsection (2) of this section are not subject to confirmation.

[1999 c 216 § 2; 1998 c 175 § 4.]

RCW 47.06A.040 Board--Administration and staffing.

The board, at its option, may either appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board or make provisions ensuring the responsibilities of the executive director are carried out by an existing transportation-related state agency or by private contract. Staff support to the board shall be provided by the department of transportation, the transportation improvement board, and the county road administration board, or their successor agencies.

[1999 c 216 § 3; 1998 c 175 § 5.]

RCW 47.06A.050 Allocation of funds.

(1) For the purpose of allocating funds for the freight mobility strategic investment program, the board shall allocate the first fifty-five percent of funds to the highest priority projects, without regard to location.

(2) The remaining funds shall be allocated equally among three regions of the state, defined as follows:

(a) The Puget Sound region includes King, Pierce, and Snohomish counties;

(b) The western Washington region includes Clallum, Jefferson, Island, Kitsap, San Juan, Skagit, Whatcom, Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum counties; and

(c) The eastern Washington region includes Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Whitman, Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla, and Yakima counties.

(3) If a region does not have enough qualifying projects to utilize its allocation of funds, the funds will be made available to the next highest priority project, without regard to location.

(4) In the event that a proposal contains projects in more than one region, for purposes of assuring that equitable geographic distributions are made under subsection (2) of this section, the board shall evaluate the proposal and proportionally assign the benefits that are attributable to each region.

(5) If the board identifies a project for funding, but later determines that the project is not ready to proceed at the time the legislature's funding decision is pending, the board shall recommend removing the project from consideration and the next highest priority project shall be substituted in the project portfolio. Any project removed from funding consideration because it is not ready to proceed shall retain its position on the priority project list and is eligible to be recommended for funding in the next project portfolio submitted by the board.

[1998 c 175 § 6.]

RCW 47.06A.060 Grants and loans.

In order to aid the financing of eligible freight mobility projects, the board may:

(1) Make grants or loans from funds appropriated for the freight mobility strategic investment program for the purpose of financing freight mobility projects. The board may require terms and conditions as it deems necessary or convenient to carry out the purposes of this chapter.

(2) The state shall not bear the financial burden for project costs unrelated to the movement of freight. Project amenities unrelated to the movement of freight may not be submitted to the board as part of a project proposal under the freight mobility strategic investment program.

(3) All freight mobility projects aided in whole or in part under this chapter must have a public entity designated as the lead project proponent.

[1998 c 175 § 7.]

RCW 47.06A.070 Records.

The board shall keep proper records and shall be subject to audit by the state auditor.

[1998 c 175 § 8.]

RCW 47.06A.080 Port district development plans.

Port districts in the state shall submit their development plans to the relevant regional transportation planning organization or metropolitan planning organization, the department, and affected cities and counties to better coordinate the development and funding of freight mobility projects.

[1998 c 175 § 9.]

RCW 47.06A.900 Severability--1998 c 175.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1998 c 175 § 15.]

**Chapter 47.06B RCW
COORDINATING SPECIAL NEEDS TRANSPORTATION**

Sections

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| 47.06B.010 | Finding--Intent. |
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| 47.06B.020 | Agency council on coordinated transportation--Creation, membership, staff. |
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| 47.06B.040 | Local planning forums. |
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RCW 47.06B.010 Finding--Intent. *(Effective until June 30, 2008.)*

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In some cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

[1999 c 385 § 1; 1998 c 173 § 1.]

RCW 47.06B.012 Definitions. *(Effective until June 30, 2008.)*

The definitions in this section apply throughout this chapter.

(1) "Persons with special transportation needs" means those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation.

(2) "Special needs coordinated transportation" is transportation for persons with special transportation needs that is developed through a collaborative community process involving transportation providers; human service programs and agencies; consumers; social, educational, and health service providers; employer and business representatives; employees and employee representatives; and other affected parties.

[1999 c 385 § 2.]

RCW 47.06B.015 Program for Agency Coordinated Transportation. (*Effective until June 30, 2008.*)

In order to increase efficiency, to reduce waste and duplication, to enable people to access social and health services, to provide a basic level of mobility, and to extend and improve transportation services to people with special transportation needs, the state shall implement the Program for Agency Coordinated Transportation. The program will improve transportation efficiency and effectiveness to maximize the use of community resources so that more people can be served within available funding levels.

The Program for Agency Coordinated Transportation will facilitate a state-wide approach to coordination and will support the development of community-based coordinated transportation systems that exhibit the following characteristics:

(1) Organizations serving persons with special transportation needs share responsibility for ensuring that customers can access services.

(2) There is a single entry process for customers to use to have trips arranged and scheduled, so the customer does not have to contact different locations based on which sponsoring agency or program is paying for the trip.

(3) A process is in place so that when decisions are made by service organizations on facility siting or program policy implementation, the costs of client transportation and the potential effects on the client transportation costs of other agencies or programs are considered. Affected agencies are given an opportunity to influence the decision if the potential impact is negative.

(4) Open local market mechanisms give all providers who meet minimum standards an opportunity to participate in the program, and, in addition, allow for cost comparisons so that purchasers can select the least expensive trip most appropriate to the customer's needs.

(5) There is flexibility in using the available vehicles in a community so that the ability to transport people is not restricted by categorical claims to vehicles.

(6) There is maximum sharing of operating facilities and administrative services, to avoid duplication of costly program elements.

(7) Trip sponsors and service providers have agreed on a process for allocating costs and billing when they share use of vehicles.

(8) Minimum standards exist for at least safety, driver training, maintenance, vehicles, and technology to eliminate barriers that may prevent sponsors from using each other's vehicles or serving each other's clients.

(9) The system is user friendly. The fact that the system is supported by a multitude of

programs and agencies with different eligibility, contracting, service delivery, payment, and funding structures does not negatively affect the customer's ability to access service.

(10) Support is provided for research, technology improvements, and sharing of best practices from other communities, so that the system can be continually improved.

(11) There are performance goals and an evaluation process that leads to continuous system improvement.

[1999 c 385 § 3.]

RCW 47.06B.020 Agency council on coordinated transportation--Creation, membership, staff. (Effective until June 30, 2004.)

(1) The agency council on coordinated transportation is created. The council is composed of nine voting members and eight nonvoting, legislative members.

(2) The nine voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and six members appointed by the governor as follows:

- (a) One representative from the office of the governor;
- (b) Two persons who are consumers of special needs transportation services;
- (c) One representative from the Washington association of pupil transportation;
- (d) One representative from the Washington state transit association; and
- (e) One of the following:
 - (i) A representative from the community transportation association of the Northwest; or
 - (ii) A representative from the community action council association.

(3) The eight nonvoting members are legislators as follows:

(a) Four members from the house of representatives, two from each of the two largest caucuses, appointed by the speaker of the house of representatives, two who are members of the house transportation policy and budget committee and two who are members of the house appropriations committee; and

(b) Four members from the senate, two from each of the two largest caucuses, appointed by the president of the senate, two members of the transportation committee and two members of the ways and means committee.

(4) Gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

(5) The secretary of transportation or a designee shall serve as the chair.

(6) The department of transportation shall provide necessary staff support for the council.

(7) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

[1998 c 173 § 2.]

RCW 47.06B.030 Council--Duties (as amended by 1999 c 372). (Effective until June 30, 2008.)

The council shall:

- (1) Develop standards and strategies for coordinating special needs transportation;
- (2) Identify and develop, fund as resources are made available, and monitor coordinated transportation pilot projects;
- (3) Disseminate and encourage the widespread implementation of successful demonstration projects;
- (4) Identify and address barriers to transportation coordination;
- (5) Recommend to the legislature changes in law to assist coordination of transportation services;
- (6) Act as an information clearinghouse and advocate for coordinated transportation;
- (7) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets(;
- ~~————(8) Report to the legislature by December 1, 1998, on council activities including, but not limited to, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary).~~

[1999 c 372 § 13; 1998 c 173 § 3.]

RCW 47.06B.030 Council--Duties (as amended by 1999 c 385). (Effective until June 30, 2008.)

To assure implementation of the Program for Agency Coordinated Transportation, the council, in coordination with stakeholders, shall:

- ~~————(1) Develop (standards and strategies for coordinating special needs transportation;~~
- ~~————(2) Identify and develop, fund as resources are made available, and monitor coordinated transportation pilot projects;~~
- ~~————(3) Disseminate and encourage the widespread implementation of successful demonstration projects;~~
- ~~————(4) Identify and address barriers to transportation coordination;~~
- ~~————(5) Recommend to the legislature changes in law to assist coordination of transportation services;~~
- ~~————(6) Act as an information clearinghouse and advocate for coordinated transportation;~~
- ~~————(7) guidelines for local planning of coordinated transportation in accordance with this chapter;~~
- (2) Initiate local planning processes by contacting the board of commissioners and county councils in each county and encouraging them to convene local planning forums for the purpose of implementing special needs coordinated transportation programs at the community level;

(3) Work with local community forums to designate a local lead organization that shall cooperate and coordinate with private and nonprofit transportation brokers and providers, local public transportation agencies, local governments, and user groups;

(4) Provide a forum at the state level in which state agencies will discuss and resolve coordination issues and program policy issues that may impact transportation coordination and costs;

(5) Provide guidelines for state agencies to use in creating policies, rules, or procedures to encourage the participation of their constituents in community-based planning and coordination, in accordance with this chapter;

(6) Facilitate state-level discussion and action on problems and barriers identified by the local forums that can only be resolved at either the state or federal level;

(7) Develop and test models for determining the impacts of facility siting and program policy decisions on transportation costs;

(8) Develop methodologies and provide support to local and state agencies in identifying transportation costs;

(9) Develop guidelines for setting performance measures and evaluating performance;

(10) Develop monitoring reporting criteria and processes to assess state and local level of participation with this chapter;

(11) Administer and manage grant funds to develop, test, and facilitate the implementation of coordinated systems;

(12) Develop minimum standards for safety, driver training, and vehicles, and provide models for processes and technology to support coordinated service delivery systems;

(13) Provide a clearinghouse for sharing information about transportation coordination best practices and experiences;

(14) Promote research and development of methods and tools to improve the performance of transportation coordination in the state;

(15) Provide technical assistance and support to communities;

(16) Facilitate, monitor, provide funding as available, and give technical support to local planning processes;

(17) Form, convene, and give staff support to stakeholder work groups as needed to continue work on removing barriers to coordinated transportation;

(18) Advocate for the coordination of transportation for people with special transportation needs at the federal, state, and local levels;

(19) Recommend to the legislature changes in laws to assist coordination of transportation services;

(20) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets;

(~~8~~) (21) Report to the legislature by December 1, (~~1998~~) 2000, on council activities including, but not limited to, the progress of community planning processes, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary.

[1999 c 385 § 5; 1998 c 173 § 3.]

Notes:

Reviser's note: RCW 47.06B.030 was amended twice during the 1999 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

RCW 47.06B.040 Local planning forums. (Effective until June 30, 2008.)

The council may request, and may require as a condition of receiving coordination grants, selected county governments to convene local planning forums and invite participation of all entities, including tribal governments, that serve or transport persons with special transportation needs. Counties are encouraged to coordinate and combine their forums and planning processes with other counties, as they find it appropriate. The local community forums must:

- (1) Designate a lead organization to facilitate the community planning process on an ongoing basis;
- (2) Identify functional boundaries for the local coordinated transportation system;
- (3) Clarify roles and responsibilities of the various participants;
- (4) Identify community resources and needs;
- (5) Prepare a plan for developing a coordinated transportation system that meets the intent of this chapter, addresses community needs, and efficiently uses community resources to address unmet needs;
- (6) Implement the community coordinated transportation plan;
- (7) Develop performance measures consistent with council guidelines;
- (8) Develop a reporting process consistent with council guidelines;
- (9) Raise issues and barriers to the council when resolution is needed at either the state or federal level;
- (10) Develop a process for open discussion and input on local policy and facility siting decisions that may have an impact on the special needs transportation costs and service delivery of other programs and agencies in the community.

[1999 c 385 § 6.]

RCW 47.06B.900 Council--Termination.

The agency council on coordinated transportation is terminated on June 30, 2007, as provided in RCW 47.06B.901.

[1999 c 385 § 7; 1998 c 173 § 6.]

RCW 47.06B.901 Repealer.

The following acts or parts of acts, as now existing or hereafter amended, are each

repealed, effective June 30, 2008:

- (1) RCW 47.06B.010 and 1999 c 385 § 1 & 1998 c 173 § 1;
- (2) RCW 47.06B.012 and 1999 c 385 § 2;
- (3) RCW 47.06B.015 and 1999 c 385 § 3;
- (4) RCW 47.06B.020 and *1999 c 385 § 4 & 1998 c 173 § 2;
- (5) RCW 47.06B.030 and 1999 c 385 § 5 & 1998 c 173 § 3; and
- (6) RCW 47.06B.040 and 1999 c 385 § 6.

[1999 c 385 § 8; 1998 c 173 § 7.]

Notes:

***Reviser's note:** 1999 c 385 § 4 was vetoed.

Chapter 47.06C RCW PERMIT EFFICIENCY AND ACCOUNTABILITY

Sections

| | |
|------------|--|
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| 47.06C.080 | Department organization and administrative actions. |
| 47.06C.090 | Training and compliance. |
| 47.06C.100 | Cost reimbursement. |
| 47.06C.900 | Captions not law--2001 1st sp.s. c 2. |
| 47.06C.901 | Expiration date--2001 1st sp.s. c 2. |
| 47.06C.902 | Effective date--2001 1st sp.s. c 2. |
| 47.06C.903 | Severability--2001 1st sp.s. c 2. |

RCW 47.06C.010 Findings--Intent. (Expires March 31, 2003.)

The legislature finds that the public health and safety of its citizens, the natural resources, and the environment are vital interests of the state that need to be protected and preserved. The legislature further finds that the safety of the traveling public and the state's economic well-being are vital interests that depend upon the development of cost-effective and efficient transportation systems planned, designed, constructed, and maintained through expedited permit decision-making processes.

It is the intent of the legislature to achieve transportation permit reform that expedites the delivery of statewide significant transportation projects through a streamlined approach to environmental permit decision making. To optimize the limited resources available for transportation system improvements and environmental protection, state regulatory and natural resource agencies, public and private sector interests, Indian tribes, and the department of transportation must work cooperatively to establish common goals, minimize project delays, develop consistency in the application of environmental standards, maximize environmental

benefits through coordinated investment strategies, and eliminate duplicative processes through assigned responsibilities of selected permit drafting and compliance activities between state and federal agencies.

Therefore, the transportation permit efficiency and accountability committee is created. The committee shall integrate current environmental standards, but may not create new environmental standards. The committee shall conduct three environmental permit streamlining pilot projects and create a process to develop general permits. Additionally, the committee shall seek federal delegation to the state where appropriate to streamline transportation projects.

[2001 1st sp.s. c 2 § 1.]

RCW 47.06C.020 Definitions. (Expires March 31, 2003.)

The definitions in this section apply throughout this chapter unless the context indicates otherwise.

(1) "Assigned responsibilities" means those components of developing and implementing environmental permits, including but not limited to, environmental review and assessment, selected permit drafting, and selected on-site compliance activities that may be conducted by the department.

(2) "Best available information" means the existing sources of data, including limiting factors analyses required under chapter 77.85 RCW that can be used to make informed decisions regarding environmental conditions within a watershed.

(3) "Best management practices" means currently available and generally accepted techniques, including new technologies or strategies that seek to reduce the negative impacts of transportation facilities, projects, and services on communities and the environment, and promote more efficient and effective use of transportation facilities.

(4) "Committee" means the transportation permit efficiency and accountability committee created in RCW 47.06C.030.

(5) "Least cost planning" means the use of best available information within a watershed basin applied to transportation decision making in the planning, permit decision making, and mitigation phases of a project.

(6) "Low-impact development project" means an activity or series of actions that conform to a comprehensive land use planning and engineering design approach with a goal of maintaining or restoring existing natural habitat functions and hydrologic regime of urban and developing watersheds. These projects incorporate strategic watershed planning with site-specific management techniques to reduce development impacts to better replicate natural watershed hydrology and water quality, while allowing for development or infrastructure rehabilitation to occur.

(7) "One-stop permit decision making" means a coordinated permit decision-making process that streamlines environmental review and permit decision making for transportation projects by providing concurrent, consolidated review by each agency required to review the project.

(8) "Programmatic approach" means a permit or other action that covers a geographic or statewide area and applies to a variety of projects, activities, or locales. A programmatic

approach may allow actions to proceed without individual approval by each permit decision-making agency.

(9) "Transportation project of statewide significance" means a surface transportation project or combination of surface transportation projects, that crosses multiple city or county jurisdictional boundaries or connects major state destinations in support of the state's economy and is so designated by the department of transportation and approved by the transportation committees of the senate and house of representatives. The transportation committees of the senate and house of representatives may also jointly designate these projects. The pilot projects established in this chapter are examples of transportation projects of statewide significance, but transportation projects of statewide significance are not limited to the pilot projects.

(10) "Watershed" means a water resource inventory area.

[2001 1st sp.s. c 2 § 2.]

**RCW 47.06C.030 Transportation permit efficiency and accountability committee.
(Expires March 31, 2003.)**

The transportation permit efficiency and accountability committee is created.

(1) The committee consists of nine voting members, including two members from the house of representatives, one from each of the two largest caucuses; two senators, one from each of the two largest caucuses; one member designated by the secretary of transportation; one member designated by the director of fish and wildlife; one member designated by the director of ecology; one member designated by the Association of Washington Cities; and one member designated by the Washington State Association of Counties. The committee shall elect a chair from the four legislators appointed to the committee.

(2) The committee also includes eight nonvoting members, including one member designated by the Northwest Indian Fisheries Commission; one member designated by the Columbia River Intertribal Fisheries Commission; one member designated by the Consulting Engineers Council of Washington; one member designated by the Associated General Contractors of Washington; one member designated by the Association of Washington Business; one member designated by the Washington State Building and Construction Trades Council; one member designated by statewide environmental organizations; and one member designated by the State Fish and Wildlife Commission, to represent the interests of citizens engaged in fish and wildlife recovery.

(3) A representative from the department of natural resources and representatives from federal regulatory and transportation agencies, including the Environmental Protection Agency, National Marine Fisheries Service, United States Army Corps of Engineers, Federal Highways Administration, and United States Fish and Wildlife Service must be invited to participate in committee deliberations as nonvoting members.

(4) The committee may create technical subcommittees as needed. Technical subcommittees created for a specific pilot project or pilot projects must include, but are not limited to, representatives of local governments from jurisdictions affected by those projects. Recommendations made by a technical subcommittee must be approved by a majority of the voting members of the committee.

(5) Nonvoting members will not be compensated but will receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The department of transportation office of environmental affairs shall provide administrative and clerical assistance to the committee.

(7) No vote of the committee may overrule existing statutes, regulations, or local ordinances.

[2001 1st sp.s. c 2 § 3.]

RCW 47.06C.040 Committee responsibilities. (Expires March 31, 2003.)

(1) The committee and its authorized technical subcommittees shall develop a one-stop permit decision-making process that uses interdisciplinary review of transportation projects of statewide significance to streamline and expedite permit decision making. The committee shall collaborate with appropriate agencies and parties to identify existing environmental standards, to assess the application of those standards, and develop an integrated permitting process based upon environmental standards and best management practices, which may use prescriptive or performance standards, for transportation projects of statewide significance that can be applied with certainty, consistency, and assurance of swift permit action, while taking into account the varying environmental conditions throughout the state.

(2) The committee shall give notice to the legislative authority of each affected county and city of the projects that are designated as transportation projects of statewide significance.

(3) The committee shall create a technical subcommittee with representation at a minimum from the department of fish and wildlife, the department of ecology, and the department of transportation.

(a) Within six months from the first meeting of the committee, the subcommittee shall create a process to develop a programmatic approach for transportation projects. The committee shall review the department's construction project list to determine which projects or activities may be included in the programmatic approach and develop agreements to cover those projects or activities. At a minimum, this process must require that decisions on minor variations to the requirements of a programmatic approach must be provided by the permit decision-making agencies within twenty-one days of submittal.

(b) The technical subcommittee's recommendations must be approved by a majority of the voting members of the committee.

(4) The committee shall explore the development of a consolidated local permit process.

(5) The committee shall develop and prioritize a list of permit streamlining opportunities, specifically identifying substantive and procedural duplications and recommendations for resolving those duplications. The committee shall evaluate current laws and regulations and develop recommendations on ways to minimize the lapsing of permits. The committee shall evaluate flexible approaches that maximize transportation and environmental interests and make recommendations regarding where those approaches should be implemented. The committee shall report its findings and recommendations to the legislature by January 15, 2002.

(6) The committee shall undertake the following activities to develop a watershed approach to environmental mitigation:

(a) Develop methodologies for analyzing environmental impacts and applying compensatory mitigation consistent with a watershed-based approach before final design, including least cost methodology and low-impact development methodology;

(b) Assess models to collate and access watershed data to support early agency involvement in transportation planning and reviews under the national Environmental Policy Act and the State Environmental Policy Act; and

(c) Use existing best available information from watershed planning efforts, lead entities, regional fisheries enhancement groups, and other recognized entities as deemed appropriate by the committee, to determine potential mitigation requirements for projects within a watershed. Priority consideration should be given to the use of the state's alternative mitigation policy guidance to best link transportation mitigation needs with local watershed and lead entity project lists.

(7) The committee shall seek federal delegation to the state where appropriate to streamline permit processes for transportation projects of statewide significance including: Delegation of section 404 permit authority under the Clean Water Act; nonfederal lead agency status under the federal Endangered Species Act; section 106 cultural resource designation under the National Historic Preservation Act; and other appropriate authority that when delegated should result in permit streamlining.

(8) The committee shall develop a dispute resolution process to resolve conflicts in interpretation of environmental standards and best management practices, mitigation requirements, permit requirements, assigned responsibilities, and other related issues by September 1, 2001. The dispute resolution process may not abrogate or supplant any appeal right of any party under existing statutes. The dispute resolution process must be designed to include federal agencies if they choose to participate.

(9) The committee shall develop preliminary models and strategies for agencies to test how best to maximize the environmental investment of transportation funds on a watershed basis. After agencies test the models and strategies developed by the committee, the committee shall evaluate the models and strategies and make recommendations to the legislature.

(10) The committee shall develop a consistent methodology for the timely and predictable submittal and evaluation of completed plans and specifications detailing project elements that impact environmental resources as well as proposed mitigation measures during the preliminary specifications and engineering phase of project development and submit information on the consistent methodology to the legislature.

(11) The committee shall provide a summary report to the legislature on September 15, 2001, and every six months thereafter.

[2001 1st sp.s. c 2 § 4.]

RCW 47.06C.050 Pilot projects. (*Expires March 31, 2003.*)

(1) The committee shall select and conduct permit reform pilot projects in three locales: (a) Urban near built-out conditions; (b) urban centers serving as crucial rural connectors; and (c) rural corridors critical to statewide economic productivity. The pilot projects must test the assignment of responsibilities such as selected permit drafting and selected compliance activities

to the department.

(2) The committee shall commence efforts to apply streamlining lessons learned from the streamlined permit process for the pilot projects to as many other transportation projects of statewide significance as quickly as possible. In reporting to the legislature, the committee may recommend statutory or regulatory changes that would result in streamlining for future projects.

(3) The department and permitting agencies shall apply an interim interdisciplinary permit review process for the pilot projects as set forth in this section. This process must provide coordinated review and approval of permit applications; provide coordinated and consolidated public hearings where required by one or more regulatory agencies under state law; and coordinate timelines for permit decision making.

(4) The committee shall give notice to the legislative authority of each affected county and city of the projects the committee has designated as pilot projects. Each county and city notified must be offered the opportunity to participate in the pilot projects as provided for in this chapter. The department shall provide funding assistance for participation.

(5) The committee shall develop a dispute resolution process to resolve conflicts in interpretation of environmental standards and best management practices, mitigation requirements, permit requirements, assigned responsibilities, the streamlined process for pilot projects set forth in this section, and other related issues by September 1, 2001. The dispute resolution process may not abrogate or supplant any appeal right of any party under existing statutes. The dispute resolution process must be designed to include federal agencies if they choose to participate. The dispute resolution process must be applied to the pilot projects.

(6) The streamlined process for the pilot projects must be based on the following model:

(a) Step 1: The department and permitting agencies will agree on coordination for environmental review under the state and national environmental policy acts, including document preparation, public comment opportunities, and timelines.

(b) Step 2: For each project, the department will convene a meeting of all entities with permitting authority to review:

(i) The proposed conceptual design for the project and alternative routes, construction approaches, or mitigation approaches;

(ii) All known reviewing entities, permit application and approval requirements, and timelines; and

(iii) A coordinated timeline that allows all statutory requirements to be met.

(c) Step 3: The department will draft all necessary permits to proceed with the preferred alternative using relevant agreements with permitting agencies.

(d) Step 4: The department will provide public notice in conformity with all applicable statutes and regulations and allow the required time for public hearings and written comments.

(e) Step 5: The department may revise the draft permits after consideration of public comments and applying all relevant agreed upon standards.

(f) Step 6: All permits will be disseminated to permitting agencies for final review. All reviews will be completed within forty-five days, at which time the permitting agencies will act upon the permit and either approve the permit or return it without approval.

(g) Step 7: If the permit is returned to the department without approval, the permitting

agencies will have one opportunity to identify errors or omissions and any remaining specific deficiencies or circumstances not previously addressed by agreements between the department and agencies that must be met or addressed to be compliant with applicable law. The department may revise the permit as warranted and resubmit the permit to the permitting agency, which will have fifteen days from receipt of the revised permit to take final action.

(h) Step 8: Disputes related to permit decisions will be addressed by the dispute resolution process established by the committee.

[2001 1st sp.s. c 2 § 5.]

RCW 47.06C.060 Local government participation. (Expires March 31, 2003.)

(1) This section establishes procedures for city, town, and county governments to participate in the processes identified in this chapter to provide for coordinated, multijurisdictional environmental review and permitting decisions for pilot projects and transportation projects of statewide significance.

(2) Each city, town, and county within whose boundaries is located or partially located one or more projects identified in subsection (1) of this section, shall elect whether or not to participate in coordinated processes for environmental review and permitting of those projects as required in this chapter. If the city, town, or county elects to participate, it may do so as either a participating entity or as an assigning entity.

(a) If a city, town, or county elects to be considered as a participating entity, the committee must then include a representative designated by the city, town, or county in the coordinated review of the project. The department shall compensate the jurisdiction for technical support required for participation in the process. The jurisdiction will also be eligible for reimbursement for permit fees set by local ordinances and other agreed upon costs associated with the issuance of project permits.

(b) For the purposes of expediting the permit process, a city, town, or county may elect to assign its permit responsibilities under chapter 39.34 RCW to the department simultaneously with its notification to the department as specified in this section. The city, town, or county electing to assign its responsibilities shall enter into an agreement with the department to define the local permit requirements that must be met. Permits issued under the negotiated agreement are presumed to at least meet local environmental permit requirements. A city, town, or county choosing to use this option is eligible for a permit fee set by local ordinances associated with the issuance of the project permits.

(3) If the city, town, or county elects not to participate in the coordinated processes for the pilot projects designated in this chapter or transportation projects of statewide significance the department will issue the locally required permits, when allowable. The department shall comply with all provisions of city, town, and county ordinances, and the department permit approval is presumed to at least meet the local environmental review and permit requirements.

(4) Any city, town, or county shall notify the department within sixty days of receipt of the committee's notification of project designation, as to whether it elects to be considered as a participating entity or an assigning entity, or elects not to participate in the coordinated process provided in this chapter.

(5) The committee shall review and evaluate the process by which local governments review and approve pilot projects and transportation projects of statewide significance, and shall provide recommendations to the legislature to improve the coordination of the local process with state and federal reviews as part of the reports required by this chapter.

(6) A city, town, or county is not liable for decisions made by the department that result in a failure to comply with city, town, or county ordinances except as provided in the interlocal agreements, and the department shall defend and answer to any actions or complaints challenging the validity of permits issued under this section.

[2001 1st sp.s. c 2 § 6.]

RCW 47.06C.070 Interim permit process. (Expires March 31, 2003.)

Until integrated standards and best management practices have been adopted by the committee, the department may use the following process for transportation projects of statewide significance, including projects requested by a project sponsor.

(1) Step 1: Conceptual description. The department will identify project purposes, the approximate location or alternative locations, and the federal, state, and local agencies that might have authority to review and approve the project or portions of it at any such locations, and a preliminary interagency communication list identifying agencies that may be interested in the proposed project and, where known, contact persons in such agencies. If the department is going to proceed with step 2 or to abandon the project, it may complete step 1 by: (a) Providing a summary of the outcome to all agencies on the list; and (b) making the summary available to the public.

(2) Step 2: Early involvement of other agencies. (a) At any time after completing step 1, the department will provide notice to all agencies on the interagency communication list and the public. Within thirty days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to identify:

(i) A primary contact person to coordinate future communications with the department and other interested agencies regarding the project, or indicate that it has no interest in the project and need not remain on the project information list;

(ii) Its role with respect to the proposed project;

(iii) Additional alternative locations the department should consider and the roles it would expect to have with the project at those locations;

(iv) Other agencies it believes should be added to the list for the project; and

(v) Other information the agency requests the department to consider.

(b) After all state and local agencies on the list have responded, or at least ten days after expiration of the specified response time, the department may complete step 2 by: (i) Proposing one or more conceptual designs for the project at a proposed location and any alternative locations then being considered; (ii) providing a summary of the results of step 2, including a statement that the department considers step 2 to be complete or complete except for specified issues remaining to be resolved with specified agencies, to all agencies on the interagency communication list; and (iii) making the summary available to the public.

(3) Step 3: Identify environmental reviews, permits, and other approvals, application

procedures, and decision standards. (a) At any time after completing step 2, the department may initiate step 3 by notice to all agencies on the list and the public. This notice may include a threshold determination on whether an environmental impact statement (EIS) or supplemental EIS will be prepared or an environmental checklist and request for comments on what steps should be taken to comply with chapter 43.21C RCW, the State Environmental Policy Act (SEPA). Within thirty days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to identify:

- (i) The procedures under which it expects environmental reviews of the project to occur;
- (ii) All permits and other approvals it might require for the project at each alternative location and conceptual design;
- (iii) What is needed for the department to file a complete application for each permit or other approval;
- (iv) The laws, regulations, ordinances, and policies it would administer with respect to the project at each alternative location and conceptual design; and
- (v) Other information the agency requests the department to consider in deciding whether, when, where, or how to proceed with the project.

(b) After all state and local agencies on the list have responded, or at least ten days after expiration of the specified response time, the department may complete step 3 by:

- (i) Adopting a list of all environmental reviews, permits, and other approvals it believes are needed for the project under each alternative being considered;
- (ii) Providing all agencies on the list a copy of that list and a summary of the other results of step 3, including a statement that the department considers step 3 to be complete or complete except for specified issues remaining to be resolved with specified agencies; and
- (iii) Making the list and summary available to the public.

(c) The list and summary will be presumed to accurately identify all environmental reviews, permits, and other approvals needed for each alternative described, what is required for applications to be considered complete, and the standards under which applications will be reviewed and approved, unless an aggrieved agency or person files objections within thirty days after the list and summary are distributed.

(4) Step 4: Tentative selection of preferred alternative. (a) At any time after completing step 3, the department may initiate step 4 by notice to all agencies on the list and the public. This notice may be accompanied by a scoping notice for an EIS or supplemental EIS or, if available, be accompanied by a draft EIS or supplemental EIS. It also may be accompanied by the department's preliminary analysis of the advantages and disadvantages of each identified alternative, or other information that may be helpful to other interested agencies and the public in identifying advantages and disadvantages. Within fourteen days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to identify:

- (i) For each identified alternative, the specific features it considers significant with respect to its role in environmental reviews, permits, or other approvals for the project; the reasons these features are significant, and any concerns it may have about the alternative because of potential adverse impacts of these features on resources or social policies within its jurisdiction;

(ii) For each feature for which it raises concerns, recommendations on how the potential adverse impacts could be avoided, minimized, and mitigated;

(iii) For each feature for which it raises concerns, an assessment of the relative ranking of each alternative with respect to whether and to what extent these concerns apply;

(iv) Recommendations the agency may have as to which alternatives should be retained or dropped from further consideration, and ways in which alternatives might be modified or combined to address its concerns, recognizing that final decisions can be made only through the applicable environmental review, permit, and other approval processes and the agency making them is not bound with respect to any future decisions it may make regarding the project;

(v) Other information the agency requests the department to consider in deciding whether, when, where, or how to proceed with the project.

(b) After all state and local agencies on the list have responded, or at least ten days after expiration of the specified response time, the department may complete step 4 by:

(i) Selecting a preferred alternative for purposes of all environmental reviews, permits, and other approvals needed for the project;

(ii) Providing all agencies on the list a description of the preferred alternative and summary of the other results of step 4, including a statement that the department considers step 4 to be complete or complete except for specified issues remaining to be resolved with specified agencies; and

(iii) Making the preferred alternative and summary available to the public. The preferred alternative will be identified in all environmental reviews, permits, and other approvals needed for the project.

(5) Step 5: Completing environmental reviews and applications for permits and other approvals. (a) At any time after completing step 4, the department may initiate step 5 by notice to all agencies on the list and the public. A draft EIS or supplemental EIS, the department's draft plans and specifications for the project, and draft applications for some or all permits and other approvals may be provided with the notice or when they subsequently become available. Within thirty days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to identify:

(i) All concerns it previously raised regarding the alternative, and other alternatives still under consideration, that have not been resolved to its satisfaction;

(ii) Additional concerns it may have, particularly concerns resulting from additional information about the project location and design, and other new information received since the completion of step 4;

(iii) Additional environmental reviews, permits, or other approvals needed for the preferred alternative because of changes in laws, regulations, or policies or changes in the project location or design since these issues were last reviewed in step 3 or 4;

(iv) Changes in applicable requirements for complete applications for permits or other approvals under its jurisdiction since these issues were last reviewed in step 3 or 4;

(v) Other changes in applicable laws, regulations, ordinances, or policies administered by the agency since these issues were last reviewed in step 3 or 4;

(vi) Whether a draft application proposed by the department for a permit or other

approval from the agency is complete, and if not, what additional information or other changes are needed for it to be complete.

(b) When all state and local agencies on the list have responded, or at least ten days after expiration of the specified response time, the department may complete step 5 by:

(i) Completing some or all environmental review processes and draft application forms for permits and other approvals that it reasonably believes to be complete;

(ii) Providing all agencies on the interagency communication list with environmental review and application documents and a summary of the other results of step 5, including a statement that the department considers step 5 to be complete or complete except for specified issues remaining to be resolved with specified agencies; and

(iii) Making the completed environmental review documents and summary available to the public. The preferred alternative will be identified in all environmental reviews, permits, and other approvals needed for the project.

(c) However, if an interested agency or aggrieved person files objections within fourteen days after the preferred alternative and summary are distributed, the objections will be addressed in subsequent environmental reviews and agency decisions regarding the project.

(6) Step 6: Completing the environmental review, permit, and other approval processes.

(a) At any time after completing step 5, the department may initiate step 6 by notice to all agencies on the list and the public and filing applications for some or all permits and other approvals needed for the project. Within thirty days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to:

(i) Acknowledge receipt of draft environmental review documents provided to them and provide comments on them;

(ii) Acknowledge receipt of final environmental review documents and determine that they are adequate for purposes of their roles regarding the project or specify what additional information or changes are needed for them to be considered adequate;

(iii) Acknowledge receipt of each application filed with them and determine that the application is complete or specify what additional information or changes are needed for it to be considered complete;

(iv) Acknowledge that the applications submitted to them will be processed under the laws, regulations, ordinances, and policies previously identified under steps 3, 4, and 5 or specify what changes have occurred in the governing standards that were in effect on the date a complete application was filed and thus apply to the project;

(v) Identify the significant steps necessary for the agency to reach a final decision on applications and the estimated time needed for each step;

(vi) Identify ways its decision-making process might be made more efficient and effective through additional coordination with other agencies, with any recommendations for such methods as joint solicitation and review of public comments and jointly conducting public hearings.

(b) It is recognized that step 6 may require an iterative process with several drafts of various environmental review documents and applications being considered and revised, and that changes in project location or design resulting from the permit decisions of one agency may

require revising applications or even reopening permit decisions of other agencies. All state and local agencies are expected, and federal agencies are encouraged, to communicate and cooperate to minimize the number of iterations required and make the process as efficient and effective as possible. Unless significant new information is obtained, decisions made under step 6 should not be reopened except at the request of the department, and the most recent information available under steps 3, 4, and 5 should be presumed accurate until significant new information becomes available.

(c) If all environmental reviews have not been completed and all permits and other approvals obtained within forty-five days after step 6 is initiated, the department, by notice to all agencies on the list and the public, may set a deadline for completing reviews and decisions. At any time after the deadline, the department may terminate the coordination process of this section as to some or all of the reviews and decisions that are still not completed.

[2001 1st sp.s. c 2 § 7.]

RCW 47.06C.080 Department organization and administrative actions. (*Expires March 31, 2003.*)

The legislature finds that an essential component of streamlined permit decision making is the ability of the department to demonstrate the capacity to meet environmental responsibilities. Therefore, the legislature directs that:

(1) The department may amend its operating practices applicable to obtaining project permits when:

(a) Agreements on standards or best management practices as appropriate, are reached under RCW 47.06C.040;

(b) The committee determines that streamlining procedures and methodologies implemented for pilot projects consistent with RCW 47.06C.050 warrant broader application;

(c) The committee determines that the assignment of responsibilities between regulating agencies and the department is appropriate for broader use.

(2) The department may develop permits for review by permitting agencies when agreement on the standards and best management practices covered by such permits have been reached under RCW 47.06C.040. Regulating agencies shall review permits based upon the agreed upon standards and timelines developed in RCW 47.06C.040, as well as any other applicable existing standards.

(3) Qualified environmental staff within the department shall lead the development of all environmental documentation associated with department projects and permit activities in accordance with the department's project delivery tools.

(4) The department shall conduct special prebid meetings for projects that are environmentally complex. In addition, the department shall review environmental considerations related to these projects during the preconstruction meeting held with the contractor who is awarded the bid.

(5) Environmental staff at the department shall conduct field inspections to ensure that project activities are performed under permit conditions. These inspectors:

(a) May issue stop work orders when compliance with permit standards are not being

met; and

(b) For this portion of their job duties, are accountable to the director of environmental affairs of the department.

(6) Failure to comply with a stop work order may result in civil penalties being assessed against the department and individuals involved. Willful violation of a stop work notice issued by the department is subject to civil penalties assessed on the agency as well as the individuals involved. Persistent violations by the department may result in loss of permit drafting and program management responsibilities.

[2001 1st sp.s. c 2 § 8.]

RCW 47.06C.090 Training and compliance. (Expires March 31, 2003.)

The legislature expects the department to continue its efforts to improve training and compliance. The department shall:

(1) Provide training in environmental procedures and permit requirements for those responsible for project delivery activities;

(2) Require wetland mitigation sites to be designed by a qualified interdisciplinary team that meets training requirements developed by the department's environmental affairs office in consultation with the department of ecology. Environmental mitigation site improvements must have oversight by environmental staff;

(3) Develop an environmental compliance data system to track all permit conditions;

(4) Report all noncompliance activities to applicable agencies of jurisdiction along with a remedy plan;

(5) Fund the departments of ecology, natural resources, and fish and wildlife, operating under their permit-granting authority to conduct audits of the department's permit drafting and compliance activities. The department of ecology must collate the audits in an annual report to the legislature;

(6) Seek federal funding for dedicated technical staff at federal permit decision-making agencies and for state costs associated with implementation of this chapter;

(7) Fund dedicated technical staff at federal permit decision-making entities, as appropriate, and the state departments of ecology, natural resources, community, trade, and economic development, and fish and wildlife to implement the requirements of this chapter;

(8) Fund a technical specialist at the Northwest Indian Fisheries Commission and the Columbia River Intertribal Fisheries Commission for the purpose of implementing this chapter;

(9) Reimburse local jurisdictions for costs associated with local participation on the committee and technical subcommittees.

[2001 1st sp.s. c 2 § 9.]

RCW 47.06C.100 Cost reimbursement. (Expires March 31, 2003.)

The committee shall negotiate a method of cost reimbursement for the costs associated with carrying out the purposes of this chapter, including prior departmental agreements with permitting agencies to cover their costs for transportation projects of statewide significance.

[2001 1st sp.s. c 2 § 10.]

RCW 47.06C.900 Captions not law--2001 1st sp.s. c 2. (Expires March 31, 2003.)

Captions used in this chapter are not any part of the law.

[2001 1st sp.s. c 2 § 11.]

RCW 47.06C.901 Expiration date--2001 1st sp.s. c 2.

This act expires March 31, 2003.

[2001 1st sp.s. c 2 § 13.]

RCW 47.06C.902 Effective date--2001 1st sp.s. c 2.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 29, 2001].

[2001 1st sp.s. c 2 § 14.]

RCW 47.06C.903 Severability--2001 1st sp.s. c 2.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[2001 1st sp.s. c 2 § 15.]

**Chapter 47.08 RCW
HIGHWAY FUNDS**

Sections

| | |
|-----------|--|
| 47.08.010 | Control of allocated funds. |
| 47.08.020 | State to match federal funds. |
| 47.08.040 | Contracts with United States as to state highway property. |
| 47.08.050 | Contracts with United States--Governor to execute instrument to the United States. |
| 47.08.060 | Contracts with United States--Disposal of funds from the United States. |
| 47.08.070 | Cooperation in public works projects, urban public transportation systems. |
| 47.08.080 | Funds when department is in charge of county road improvements. |
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| 47.08.100 | Illegal use of county or city road funds--Procedure to correct. |
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| 47.08.120 | Transportation equipment fund. |
| 47.08.121 | Transportation equipment fund declared revolving fund of proprietary nature--Use. |
| 47.08.130 | Custody of federal funds--Disbursement. |

Notes:

Highway funds, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).

RCW 47.08.010 Control of allocated funds.

Whenever there is provided an allocation for the construction or improvement of state highways, the allocation shall be under the sole charge and direct control of the department.

[1984 c 7 § 92; 1961 c 13 § 47.08.010. Prior: 1937 c 53 § 32, part; RRS § 6400-32, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.020 State to match federal funds.

For the construction, alteration, repair and improvement of state highways, county roads, or city and town streets in the state of Washington which are part of the public highway system, the good faith of the state of Washington is hereby pledged to make available funds sufficient to equal the sums appropriated to the state by or under the United States government during succeeding fiscal years and to use and expend the same within one year after the fiscal year for which appropriated, and in the manner and under the rules and regulations imposed by the secretary of commerce and to maintain, or cause to be maintained, the highways or roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance.

[1961 c 13 § 47.08.020. Prior: 1937 c 53 § 46; RRS § 6400-46; 1917 c 76 § 3; RRS § 6846.]

RCW 47.08.040 Contracts with United States as to state highway property.

Whenever it is necessary or desirable for the federal government or any agency thereof to acquire an interest in or in any way damage any property or interest therein owned by the state of Washington and used in connection with any highway in the state of Washington in connection with any federal project for the development of any river within or partially within the state of Washington, the department is authorized, empowered, and directed to negotiate and enter into an agreement with the proper agency of the federal government as to the rights which shall be acquired, the compensation which shall be made therefor and the character of instruments by which the rights shall be conveyed, and as to any other matters which may be necessary in order to satisfy the requirements of the federal government. If the agreement is required to be reduced to writing, the writing shall be approved as to form by the attorney general of the state of Washington.

[1984 c 7 § 93; 1961 c 13 § 47.08.040. Prior: 1937 c 113 § 1; RRS § 6450-91.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.050 Contracts with United States--Governor to execute instrument to the United States.

Whenever the department has entered into an agreement under RCW 47.08.040 with the federal government or any agency thereof requiring the execution of any deed, flowage easement, or instrument of any nature, to the federal government or agency, and the instrument is approved as to form by the attorney general of the state of Washington, the governor of the state of Washington is authorized and directed without further authority and in the name of the state of Washington to execute and deliver to the proper agency of the federal government any such instrument or instruments which shall be, when attested by the secretary of state, binding upon the state of Washington.

[1984 c 7 § 94; 1961 c 13 § 47.08.050. Prior: 1937 c 113 § 2; RRS § 6450-92.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.060 Contracts with United States--Disposal of funds from the United States.

Whenever any moneys shall be realized by the state of Washington as a result of any agreement authorized by RCW 47.08.040, the same shall be deposited in the treasury of the state of Washington to the credit of the motor vehicle fund, and shall be available for highway purposes only.

[1967 ex.s. c 145 § 45; 1961 c 13 § 47.08.060. Prior: 1937 c 113 § 3; RRS § 6450-93.]

RCW 47.08.070 Cooperation in public works projects, urban public transportation systems.

When it appears to the department that any state highway will be benefited or improved by the construction of any public works project, including any urban public transportation system, within the state of Washington by any of the departments of the state of Washington, by the federal government, or by any agency, instrumentality, or municipal corporation of either the state of Washington or the United States, the department is authorized to enter into cooperative agreements with any such state department, with the United States, or with any agency, instrumentality, or municipal corporation of either the state of Washington or the United States, wherein the state of Washington, acting through the department, will participate in the cost of the public works project in such amount as may be determined by the department to be the value of the benefits or improvements to the particular state highway derived from the construction of the public works project. Under any such agreement the department may contribute to the cost of the public works project by making direct payment to the particular state department, federal government, or to any agency, instrumentality, or municipal corporation of either the state or the United States, or any combination thereof, which may be involved in the project, from any funds appropriated to the department and available for highway purposes, or by doing a portion of the project either by day labor or by contract, or in any other manner as may be deemed advisable and necessary by the department.

[1984 c 7 § 95; 1967 c 108 § 3; 1961 c 13 § 47.08.070. Prior: 1945 c 127 § 2; Rem. Supp. 1945 § 6400-121.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.
Urban public transportation system defined: RCW 47.04.082.

RCW 47.08.080 Funds when department is in charge of county road improvements.

If any funds become available from the federal government or otherwise for expenditure in conjunction with county funds for the construction, alteration, repair, or improvement of any county road and the work is to be performed by the department, the state treasurer shall, upon notice from the department, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of the county as may be necessary for use in conjunction with funds from the federal government to accomplish the work. The work shall then be performed by the department and paid from the money so set aside upon vouchers approved and submitted by the department in the same manner as payment is made for such work on state highways: PROVIDED, That the legislative authority of any such county shall have, by proper resolution, filed in duplicate in the office of the department and approved by it, determined the county road construction, alteration, repair, or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government.

[1984 c 7 § 96; 1973 c 106 § 22; 1961 c 13 § 47.08.080. Prior: 1937 c 187 § 59; RRS § 6450-59.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.090 Funds when department is in charge of city street improvements.

If any funds become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair, or improvement of its city streets designated as forming a part of the route of any state highway through the incorporated city or town and the work is to be performed by the department, the state treasurer shall, upon notice from the department, set aside from any moneys in the motor vehicle fund credited to the incorporated city or town, the cost thereof or so much money in the state treasury to the credit of the incorporated city or town as may be necessary in conjunction with the funds from the federal government or otherwise to accomplish the work, the cost to be paid by the state treasurer from the money so set aside upon vouchers approved and submitted by the department in the same manner as payment is made for work on state highways. If any such incorporated city or town has agreed with the state of Washington or the federal government as a condition precedent to the acquiring of federal funds for construction on any city street of the incorporated city or town designated as forming a part of the route of any state highways, that the street will be maintained to a standard and the incorporated city or town fails

to so maintain the city street, then the department may perform the maintenance, and the state treasurer is authorized to deduct the cost thereof from any funds credited or to be credited to the incorporated city or town and pay the same on vouchers approved and submitted by the department in the same manner as payment is made for work performed on state highways.

[1984 c 7 § 97; 1973 c 106 § 23; 1961 c 13 § 47.08.090. Prior: 1937 c 187 § 65; RRS § 6450-65.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.100 Illegal use of county or city road funds--Procedure to correct.

The department is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if it determines that unauthorized, illegal, or wrongful expenditures are being or have been made from the fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the county legislative authority and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the department is authorized to demand of those officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and it may notify the officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after the notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution, or to adjust the matter to the satisfaction of the department.

If no correction, remedy, adjustment, or restitution is made within ten days to the satisfaction of the department, it has power to request in writing that the state treasurer withhold further payments from the motor vehicle fund to the county or city; and it is the duty of the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until the officials are notified in writing by the department that payments may be resumed.

The department is also authorized to notify in writing the prosecuting attorney of the county in which the violation occurs of the facts, and it is the duty of the prosecuting attorney to file charges and to criminally prosecute any and all persons guilty of any such violation.

[1984 c 7 § 98; 1973 c 106 § 24; 1961 c 13 § 47.08.100. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.110 Misuse of county or city road funds--General penalty.

It shall be unlawful and a misdemeanor, unless the same is by this title or other law of

this state declared to be a felony or gross misdemeanor, to divert or use, or authorize, permit or participate in the diversion or use of any moneys in the county road fund or in the city street fund for any other purpose or in any other manner than that authorized by law.

[1961 c 13 § 47.08.110. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

RCW 47.08.120 Transportation equipment fund.

There is hereby created in the state treasury a state fund to be known as the "transportation equipment fund," the same to be used by the department of transportation as a revolving fund to be expended for salaries, wages and operations required for the repair, replacement, purchase and operation of equipment and for purchase of equipment, materials and supplies to be used as follows: (1) In the administration and operation of this fund; and (2) in the administration, maintenance and construction of highways and transportation facilities.

The transportation equipment fund shall be credited, in the case of equipment, with a reasonable rental assessed upon the use of such equipment by the various state departments, and in the case of materials and supplies, with a reasonable charge for such materials and supplies. Such credit for rental and charges for materials and supplies shall be charged against the proper appropriation therefor.

Equipment may be rented and materials and supplies may be sold out of this fund to any federal, state, county or city political subdivision or governmental agency. The terms and charges for such rental and the prices for such sale shall be solely within the discretion of the department of transportation and its determination of the charge for rental or sale price shall be considered a reasonable rental charge or a reasonable sale price. Any political subdivision or governmental agency shall make payment for such rental or for purchase of such materials or supplies directly to the transportation equipment fund at the office of the department of transportation at Olympia.

[1979 c 39 § 1; 1961 c 13 § 47.08.120. Prior: 1943 c 135 § 1; 1935 c 144 § 10; Rem. Supp. 1943 § 6600-1c.]

RCW 47.08.121 Transportation equipment fund declared revolving fund of proprietary nature--Use.

The "highway equipment fund" as established by RCW 47.08.120 is declared to be a revolving fund of a proprietary nature and moneys that are or will be deposited in this fund are hereby authorized for expenditures for the purposes provided by law.

[1961 c 13 § 47.08.121. Prior: 1959 c 326 § 3.]

RCW 47.08.130 Custody of federal funds--Disbursement.

The state treasurer is hereby authorized and directed to receive and have custody of such funds and warrants drawn by the secretary of transportation or other authorized agent of the United States as are made available for payment by the secretary of the treasury of the United

States under the provisions of the federal aid road act approved July 11, 1916, and all acts amendatory or supplementary thereto, disbursing the same under such terms and conditions as may be prescribed by the secretary of transportation or by the secretary of the treasury or other authorized agent of the United States. The state treasurer is further authorized and directed to pay from the motor vehicle fund for the use of the department such funds as may be necessary upon any project in anticipation of reimbursement by the government of the United States.

[1984 c 7 § 99; 1961 c 13 § 47.08.130. Prior: 1937 c 53 § 45; RRS § 6400-45; 1931 c 129 § 1; 1929 c 146 § 1; 1927 c 214 § 1; 1925 c 4 § 1; 1923 c 41 § 1; 1921 c 89 § 1; 1919 c 56 § 1; RRS § 6850.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Chapter 47.10 RCW HIGHWAY CONSTRUCTION BONDS

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- 47.10.260 Additional bonds--Allocation--Columbia Basin highways.
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- 47.10.410 Echo Lake route--Declaration of necessity.
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- 47.10.450 Echo Lake route--Sale of bonds.
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- 47.10.720 Tacoma-Seattle-Everett facility--Highway bond retirement fund.
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- 47.10.726 Construction in Grant, Franklin, Adams counties authorized--Declaration of public interest.
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- 47.10.755 Additional funds--Bond proceeds--Deposit and use.
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- 47.10.818 Severability--1993 c 431.

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- 47.10.819 Issuance and sale of general obligation bonds.
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- 47.10.834 Issuance and sale of general obligation bonds.
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FIRST PRIORITY PROJECT--1951 ACT

RCW 47.10.010 First priority highway projects--Declaration of.

Reconstruction of primary state highway No. 1 from Oregon to British Columbia, construction of four traffic lanes at Snoqualmie Pass, construction of an adequate highway bridge from Pasco to Kennewick and construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, are declared to be highway projects of the first priority. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The reimbursement of the motor vehicle fund for money used to purchase Agate Pass Bridge bonds will also make possible other war emergency or high priority highway construction. The threat of war makes acceleration of construction a vital necessity at this time.

[1961 c 13 § 47.10.010. Prior: 1951 c 121 § 1.]

RCW 47.10.020 Bond issue authorized--Use of motor vehicle fund.

To provide funds for accelerating construction of these first priority projects, and to reimburse the motor vehicle fund for money expended for Agate Pass Bridge construction there shall be issued and sold limited obligation bonds of the state of Washington in the sum of sixty-six million seven hundred three thousand, six hundred and twenty-five dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: PROVIDED, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

[1961 c 13 § 47.10.020. Prior: 1955 c 117 § 1; 1951 c 121 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.10.030 Form and term of bonds.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.010 through 47.10.140 shall be fully negotiable instruments.

[1961 c 13 § 47.10.030. Prior: 1951 c 121 § 3.]

RCW 47.10.040 Bonds not general obligations--Taxes pledged.

Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.010 through 47.10.140 from the proceeds of all state excise taxes on motor vehicle

fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and *chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.010 through 47.10.140, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.010 through 47.10.140 when due.

[1961 c 13 § 47.10.040. Prior: 1951 c 121 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020 were repealed by 1971 ex.s. c 175 § 33; for later enactment see chapter 82.38 RCW.

RCW 47.10.050 Sale of bonds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall be legal investment for any of the funds of the state, except the permanent school fund: PROVIDED, That bonds authorized herein to reimburse the motor vehicle fund for the cost of the Agate Pass Bridge construction shall be sold at the earliest date which the committee finds feasible.

[1961 c 13 § 47.10.050. Prior: 1951 c 121 § 5.]

RCW 47.10.060 Proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such first priority projects, reimbursement of the motor vehicle fund for money expended for construction of the Agate Pass Bridge in order to make such money available for war emergency highway projects or other high priority highway uses, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

[1961 c 13 § 47.10.060. Prior: 1951 c 121 § 6.]

RCW 47.10.070 Source of funds for payment of principal and interest.

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results

from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.110.

[1984 c 7 § 100; 1961 c 13 § 47.10.070. Prior: 1951 c 121 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.080 Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.070, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.080. Prior: 1951 c 121 § 8.]

RCW 47.10.090 Excess sums in bond retirement fund--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.090. Prior: 1951 c 121 § 11.]

RCW 47.10.100 Allocation of bonds.

The bonds authorized herein are allocated to the first priority projects as follows:

(1) Forty-nine million two hundred fifty thousand dollars of the total issue for the acceleration of the reconstruction of primary state highway No. 1, said amount to be expended on said primary state highway No. 1 as follows: Thirty-three million five hundred thousand dollars between Everett, Seattle, Tacoma, Olympia, Chehalis, Centralia, Kelso, Vancouver, and the Oregon boundary line, and fifteen million seven hundred fifty thousand dollars between Everett and the Canadian boundary line;

(2) Six million five hundred thousand dollars of the total issue for the construction of the highway bridge from Pasco to Kennewick;

(3) Four million two hundred fifty thousand dollars of the total issue for the construction of a four lane highway at Snoqualmie Pass;

(4) Five million dollars of the total issue for the construction of Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties, for which the state must be reimbursed as provided in RCW 47.10.110; and

(5) One million seven hundred three thousand six hundred twenty-five dollars of the total issue for reimbursement of the motor vehicle fund for money spent for Washington toll bridge authority bonds purchased in connection with the construction of the Agate Pass Bridge, said sum of one million seven hundred three thousand six hundred twenty-five dollars to be used when it becomes available in the motor vehicle fund, under allotments to be made by the director of highways, for war emergency or other high priority highway projects: PROVIDED, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

[1961 c 13 § 47.10.100. Prior: 1951 c 121 § 12.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.110 Columbia Basin highway projects--Reimbursement by counties.

The secretary shall report separately to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin, and Adams counties under the provisions of RCW 47.10.010 through 47.10.140. Those counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.010 through 47.10.140 within each of such counties as follows: The state finance committee, at least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the

excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.010 through 47.10.140 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from the excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.010 through 47.10.140 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

[1984 c 7 § 101; 1961 c 13 § 47.10.110. Prior: 1951 c 121 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.120 Columbia Basin highway projects--Limit as to amounts currently retained.

The sums retained from motor vehicle funds arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid.

[1961 c 13 § 47.10.120. Prior: 1951 c 121 § 10.]

RCW 47.10.130 Agate Pass Bridge to become toll free--Cancellation of Agate Pass bonds.

When the state finance committee has made arrangements for the sale of sufficient bonds to reimburse the motor vehicle fund in the sum of one million seven hundred three thousand six hundred twenty-five dollars as aforesaid, the committee shall notify the Washington toll bridge authority and the authority is thereafter directed to transfer the Agate Pass Bridge to the highway department for operation as a toll free part of the state highway system. The bonds of the authority issued to construct the Agate Pass Bridge shall then be canceled.

[1961 c 13 § 47.10.130. Prior: 1951 c 121 § 13.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "Washington state toll bridge authority" and "authority" mean department of transportation; see RCW 47.04.015.

RCW 47.10.140 Appropriation from motor vehicle fund.

There is appropriated from the motor vehicle fund for the biennium ending March 31, 1953 the sum of sixty-six million seven hundred three thousand six hundred and twenty-five dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.010 through 47.10.140, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund.

[1961 c 13 § 47.10.140. Prior: 1951 c 121 § 15.]

ADDITIONAL BONDS--1953 ACT

RCW 47.10.150 Declaration of necessity for additional funds.

Increased construction costs for highway and bridge construction since the enactment of a highway bond issue by the 1951 legislature makes necessary additional money with which to complete the sections of primary state highway No. 1 planned from funds allocated under RCW 47.10.010 through 47.10.140 and it is vital to the economy of the state and the safety of the traffic that these sections shall be completed to relieve traffic congestions, to add capacity in event of war, and to presently insure greater safety to highway users; the rapid increase of traffic across Snoqualmie Pass necessitates continued improvement of primary state highway No. 2 to provide four-lane paving contiguous to Snoqualmie Pass as the funds will permit; the rapid increase of traffic and the facilitation of movement of military forces and equipment from the military centers of the state makes imperative the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton; said highway to follow approximately the route surveyed by the director of highways and covered in the report filed by him with the 1951 legislature commonly known as the "Echo Lake Route," as the funds provided for herein will permit; the construction of secondary state highways in to the Columbia Basin area is immediately necessary to provide needed state arterial highways for the irrigated lands of the Columbia Basin areas to market centers and thereby encourage the full development of the basin project. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The threat of war makes acceleration of construction a vital necessity at this time.

[1961 c 13 § 47.10.150. Prior: 1953 c 154 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to department of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.160 Additional bonds--Issuance and sale authorized--Use of motor vehicle fund.

To provide funds for accelerating construction of these priority projects there shall be

issued and sold limited obligation bonds of the state of Washington in the sum of eighteen million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: PROVIDED, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

[1961 c 13 § 47.10.160. Prior: 1955 c 117 § 2; 1953 c 154 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.10.170 Additional bonds--Form and term of bonds.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.150 through 47.10.270 shall be fully negotiable instruments.

[1961 c 13 § 47.10.170. Prior: 1953 c 154 § 3.]

RCW 47.10.180 Additional bonds--Bonds not general obligations--Taxes pledged.

Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.150 through 47.10.270 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and *chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.150 through 47.10.270 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the

principal and interest on all bonds issued under the provisions of RCW 47.10.150 through 47.10.270 when due.

[1961 c 13 § 47.10.180. Prior: 1953 c 154 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020, see note following RCW 47.10.040.

RCW 47.10.190 Additional bonds--Sale of bonds.

The bonds issued under RCW 47.10.150 through 47.10.270 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1961 c 13 § 47.10.190. Prior: 1953 c 154 § 5.]

RCW 47.10.200 Additional bonds--Proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such priority projects, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

[1961 c 13 § 47.10.200. Prior: 1953 c 154 § 6.]

RCW 47.10.210 Additional bonds--Source of funds for payment of principal and interest.

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds.

[1984 c 7 § 102; 1961 c 13 § 47.10.210. Prior: 1953 c 154 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.220 Additional bonds--Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.150 through 47.10.270 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimate so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.220. Prior: 1953 c 154 § 8.]

RCW 47.10.230 Additional bonds--Excess sums in bond retirement fund--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.230. Prior: 1953 c 154 § 9.]

RCW 47.10.240 Additional bonds--Allocation--Primary state highway No. 1.

Seven million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the completion of four-lane construction of primary state highway No. 1.

[1961 c 13 § 47.10.240. Prior: 1953 c 154 § 10.]

RCW 47.10.250 Additional bonds--Allocation--Primary state highway No. 2, Snoqualmie Pass.

Five million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating four-lane construction of primary state highway No. 2 contiguous to Snoqualmie Pass.

[1961 c 13 § 47.10.250. Prior: 1953 c 154 § 11.]

RCW 47.10.260 Additional bonds--Allocation--Columbia Basin highways.

Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the construction of secondary state highways in the Columbia Basin area.

[1961 c 13 § 47.10.260. Prior: 1953 c 154 § 12.]

RCW 47.10.270 Additional bonds--Allocation--Echo Lake route.

Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated insofar as said funds will permit to the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton.

[1961 c 13 § 47.10.270. Prior: 1953 c 154 § 13.]

ADDITIONAL BONDS--1955 ACT

RCW 47.10.280 Construction in Grant, Franklin, Adams counties authorized--Declaration of priority.

Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, is declared to be a project of the first priority. The construction of said project is required in the interest of the public safety and for the orderly development of the state.

[1961 c 13 § 47.10.280. Prior: 1955 c 311 § 1.]

RCW 47.10.290 Construction in Grant, Franklin, Adams counties authorized--Issuance and sale of bonds.

To provide funds for construction of this first priority project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million three hundred thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this first priority project.

[1961 c 13 § 47.10.290. Prior: 1955 c 311 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of

transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.300 Construction in Grant, Franklin, Adams counties authorized--Form and term of bonds.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signatures may be printed facsimile. Any bonds may be registered in the name of the holder by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.280 through 47.10.400 shall be fully negotiable instruments.

[1961 c 13 § 47.10.300. Prior: 1955 c 311 § 3.]

RCW 47.10.310 Construction in Grant, Franklin, Adams counties authorized--Bonds not general obligations--Taxes pledged.

Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.280 through 47.10.400 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW, and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400; and *chapter 82.40 RCW and RCW 82.40.020. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.280 through 47.10.400. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.280 through 47.10.400 when due.

[1961 c 13 § 47.10.310. Prior: 1955 c 311 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020, see note following RCW 47.10.040.

RCW 47.10.320 Construction in Grant, Franklin, Adams counties authorized--Sale of bonds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If such bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall be

legal investment for any of the funds of the state, except the permanent school fund.

[1961 c 13 § 47.10.320. Prior: 1955 c 311 § 5.]

RCW 47.10.330 Construction in Grant, Franklin, Adams counties authorized--Bond proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of this first priority project, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

[1961 c 13 § 47.10.330. Prior: 1955 c 311 § 6.]

RCW 47.10.340 Construction in Grant, Franklin, Adams counties authorized--Source of funds for payment of bond principal and interest.

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.360.

[1984 c 7 § 103; 1961 c 13 § 47.10.340. Prior: 1955 c 311 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.350 Construction in Grant, Franklin, Adams counties authorized--Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.340, the percentage of receipts in money of the motor vehicle fuels, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the

highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.350. Prior: 1955 c 311 § 8.]

RCW 47.10.360 Construction in Grant, Franklin, Adams counties authorized--Reimbursement by counties.

The secretary shall report to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin, and Adams counties under the provisions of RCW 47.10.280 through 47.10.400. Those counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.280 through 47.10.400 within each of those counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.280 through 47.10.400 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.280 through 47.10.400 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

[1984 c 7 § 104; 1961 c 13 § 47.10.360. Prior: 1955 c 311 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.370 Construction in Grant, Franklin, Adams counties authorized--Limit as to amounts currently retained from excise taxes.

The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such

excise taxes until the full cost of such Columbia Basin highway facilities is paid.

[1961 c 13 § 47.10.370. Prior: 1955 c 311 § 10.]

RCW 47.10.380 Construction in Grant, Franklin, Adams counties authorized--Excess sums in bond retirement fund--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.380. Prior: 1955 c 311 § 11.]

RCW 47.10.390 Construction in Grant, Franklin, Adams counties authorized--Allocation of funds to each county.

The bonds authorized herein are allocated to the counties as follows:

- (1) For Adams county--six hundred thousand dollars.
- (2) For Franklin county--one million five hundred thousand dollars.
- (3) For Grant county--two million two hundred thousand dollars:

PROVIDED, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

[1961 c 13 § 47.10.390. Prior: 1955 c 311 § 12.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.400 Construction in Grant, Franklin, Adams counties authorized--Appropriation from motor vehicle fund.

There is appropriated from the motor vehicle fund for the biennium ending June 30, 1957 the sum of four million three hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.280 through 47.10.400, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund.

[1961 c 13 § 47.10.400. Prior: 1955 c 311 § 13.]

ADDITIONAL BONDS--1957 ACT

RCW 47.10.410 Echo Lake route--Declaration of necessity.

Increased costs for highway and bridge construction since the enactment of the highway bond issues authorized by the 1951, 1953 and 1955 legislatures makes necessary additional money with which to complete that portion of primary state highway No. 2, beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton, commonly known as the "Echo Lake Route." It is vital to the economy of the state and traffic safety that this project be constructed as soon as the funds provided herein will permit.

[1961 c 13 § 47.10.410. Prior: 1957 c 206 § 1.]

RCW 47.10.420 Echo Lake route--Additional bond issue authorized--Use of motor vehicle fund.

To provide additional funds for the construction of the "Echo Lake Route," in addition to bonds authorized to be sold by RCW 47.10.160 and as allocated by RCW 47.10.270, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project: PROVIDED, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands, moneys appropriated to the state highway commission for highway purposes may be used to finance this project until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

[1961 c 13 § 47.10.420. Prior: 1957 c 206 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Terms "Washington state highway commission" and "state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.10.430 Echo Lake route--Form and term of bonds.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption bearing such interest, and such terms and conditions as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the

holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.410 through 47.10.500 shall be fully negotiable instruments.

[1961 c 13 § 47.10.430. Prior: 1957 c 206 § 3.]

RCW 47.10.440 Echo Lake route--Bonds not general obligations--Taxes pledged.

Bonds issued under the provisions of RCW 47.10.410 through 47.10.500 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.410 through 47.10.500 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949, and *chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.410 through 47.10.500 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.410 through 47.10.500.

[1961 c 13 § 47.10.440. Prior: 1957 c 206 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020, see note following RCW 47.10.040.

RCW 47.10.450 Echo Lake route--Sale of bonds.

The bonds issued under the terms of RCW 47.10.410 through 47.10.500 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1961 c 13 § 47.10.450. Prior: 1957 c 206 § 5.]

RCW 47.10.460 Echo Lake route--Proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.410, and payment of the expense incurred in the

printing, issuance and sale of any such bonds.

[1961 c 13 § 47.10.460. Prior: 1957 c 206 § 6.]

RCW 47.10.470 Echo Lake route--Source of funds for payment of principal and interest.

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds.

[1984 c 7 § 105; 1961 c 13 § 47.10.470. Prior: 1957 c 206 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.480 Echo Lake route--Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.410 through 47.10.500 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.480. Prior: 1957 c 206 § 8.]

RCW 47.10.490 Echo Lake route--Excess sums in bond retirement fund--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the

motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.490. Prior: 1957 c 206 § 9.]

RCW 47.10.500 Echo Lake route--Appropriation from motor vehicle fund.

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of three million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.410 through 47.10.500, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the moneys derived therefrom are deposited to the credit of such fund.

[1961 c 13 § 47.10.500. Prior: 1957 c 206 § 10.]

TACOMA-SEATTLE-EVERETT FACILITY--1957 ACT

RCW 47.10.700 Tacoma-Seattle-Everett facility--Declaration of necessity.

Increased traffic and increased costs of highway and bridge construction make necessary additional moneys with which to complete the sections of primary state highway No. 1 through and between the cities of Tacoma, Seattle, and Everett and as an additional alternate route by-passing Seattle east of Lake Washington. It is vital to the economy of the state and the safety of traffic that these sections shall be completed to relieve traffic congestions, to insure greater safety to highway users, and to assure an adequate through highway to accommodate traffic from bridges across Lake Washington as soon as possible.

[1961 c 13 § 47.10.700. Prior: 1957 c 189 § 1.]

RCW 47.10.702 Tacoma-Seattle-Everett facility--To be part of federal system as limited access--Federal standards and conditions to be met.

This highway project shall be constructed as a part of the federal interstate highway system as a fully controlled limited access facility and shall meet the standards and specifications required by the state of Washington and the secretary of commerce of the United States in order to qualify for federal grants in aid as provided for in the federal-aid highway act of 1956. The state shall perform all conditions precedent to payment in advance of apportionment as provided by section 108(h) of the federal-aid highway act of 1956 so as to be entitled to federal aid funds for the project covered by RCW 47.10.700 through 47.10.724 when such funds are apportioned.

[1961 c 13 § 47.10.702. Prior: 1957 c 189 § 2.]

RCW 47.10.704 Tacoma-Seattle-Everett facility--Powers and duties of highway commission--Route of project.

In order to facilitate vehicular traffic through and between the cities of Tacoma, Seattle and Everett and to remove the present handicaps and hazards over and along primary state highway No. 1 as presently established, the state highway commission is authorized to realign, redesign and reconstruct primary state highway No. 1 upon a newly located right of way or upon portions of existing right of way through and between the cities of Tacoma, Seattle and Everett and as an additional alternate route bypassing Seattle east of Lake Washington. The route of the proposed project is established as follows: Beginning in the vicinity of Ponders Corner, thence in a general northeasterly and northerly direction through the cities of Tacoma and Seattle to a point in the vicinity of the city of Everett and as an additional alternate route bypassing Seattle east of Lake Washington.

[1961 c 13 § 47.10.704. Prior: 1957 c 189 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.10.706 Tacoma-Seattle-Everett facility--Issuance and sale of bonds authorized.

In order to finance the immediate construction of the project referred to in RCW 47.10.700 pending receipt of federal grants in aid and in accordance with the federal-aid highway act of 1956, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of forty-five million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of RCW 47.10.700 through 47.10.724 until the congress of the United States shall approve the estimated cost of completing the federal interstate system to be submitted to it within ten days subsequent to January 2, 1958, as provided by section 108(d), federal-aid highway act of 1956. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project.

[1967 ex.s. c 7 § 1; 1961 c 13 § 47.10.706. Prior: 1957 c 189 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Terms "state highway commission" and "Washington state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.10.708 Tacoma-Seattle-Everett facility--Form and term of bonds.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified

therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1961 c 13 § 47.10.708. Prior: 1957 c 189 § 5.]

RCW 47.10.710 Tacoma-Seattle-Everett facility--Sale of bonds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1961 c 13 § 47.10.710. Prior: 1957 c 189 § 6.]

RCW 47.10.712 Tacoma-Seattle-Everett facility--Proceeds from bonds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.700, 47.10.702 and 47.10.704, and for payment of the expense incurred in the drafting, printing, issuance, and sale of any such bonds.

[1961 c 13 § 47.10.712. Prior: 1957 c 189 § 7.]

RCW 47.10.714 Tacoma-Seattle-Everett facility--Bonds not general obligations--Taxes pledged.

Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.700 through 47.10.724 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and *chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of

such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.700 through 47.10.724, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.700 through 47.10.724.

[1961 c 13 § 47.10.714. Prior: 1957 c 189 § 8.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020, see note following RCW 47.10.040.

RCW 47.10.716 Tacoma-Seattle-Everett facility--Source of funds for payment of principal and interest.

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1984 c 7 § 106; 1961 c 13 § 47.10.716. Prior: 1957 c 189 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.718 Tacoma-Seattle-Everett facility--Additional security for payment of bonds--Pledge of federal funds.

As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the department, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956 for the construction of all or any part of the project referred to in RCW 47.10.700, 47.10.702, and 47.10.704.

[1984 c 7 § 107; 1961 c 13 § 47.10.718. Prior: 1957 c 189 § 10.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.720 Tacoma-Seattle-Everett facility--Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the

provisions of RCW 47.10.716, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in RCW 47.10.718, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.720. Prior: 1957 c 189 § 11.]

RCW 47.10.722 Tacoma-Seattle-Everett facility--Excess sums in bond retirement fund--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels and the federal funds which may be pledged as provided in RCW 47.10.718, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.722. Prior: 1957 c 189 § 12.]

RCW 47.10.724 Tacoma-Seattle-Everett facility--Appropriation from motor vehicle fund.

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of forty-five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.700 through 47.10.724, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund.

[1967 ex.s. c 7 § 2; 1961 c 13 § 47.10.724. Prior: 1957 c 189 § 13.]

ADDITIONAL BONDS--1965 ACT

RCW 47.10.726 Construction in Grant, Franklin, Adams counties

authorized--Declaration of public interest.

Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of additional lands for settlement in the Columbia Basin irrigation project, is declared to be a project required in the interest of the public safety and for the orderly development of the state.

[1965 c 121 § 1.]

RCW 47.10.727 Construction in Grant, Franklin, Adams counties authorized--Issuance and sale of limited obligation bonds.

To provide funds for construction of this project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of one million eight hundred and fifty thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project.

[1965 c 121 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.728 Construction in Grant, Franklin, Adams counties authorized--Form and term of bonds.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signatures may be printed facsimile. The coupons attached to the bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.726 through 47.10.738 shall be fully negotiable instruments.

[1965 c 121 § 3.]

RCW 47.10.729 Construction in Grant, Franklin, Adams counties authorized--Bonds

not general obligations--Taxes pledged.

Bonds issued under the provisions of RCW 47.10.726 through 47.10.738 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.726 through 47.10.738 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and *chapter 82.40 RCW. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.726 through 47.10.738. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.726 through 47.10.738 when due.

[1965 c 121 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33; for later enactment, see chapter 82.38 RCW.

RCW 47.10.730 Construction in Grant, Franklin, Adams counties authorized--Sale of bonds--Legal investment for state funds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The bonds shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.726 through 47.10.738 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1965 c 121 § 5.]

RCW 47.10.731 Construction in Grant, Franklin, Adams counties authorized--Bond proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project authorized by RCW 47.10.726 through 47.10.738, and payment of the expense incurred in the printing, issuance and sale of any such bonds, in which expense shall be included the sum of one eighth of one percent of the amount of the issue to cover the cost of servicing said issue, such sum to be deposited in the general fund.

[1965 c 121 § 6.]

RCW 47.10.732 Construction in Grant, Franklin, Adams counties authorized--Source of funds for payment of bond principal and interest.

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results

from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued as authorized by RCW 47.10.726 through 47.10.738 shall be repaid by the county or counties wherein the highways or roads are constructed in the manner set forth in RCW 47.10.734.

[1984 c 7 § 108; 1965 c 121 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.733 Construction in Grant, Franklin, Adams counties authorized--Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of receipts in money of the motor vehicle *fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1965 c 121 § 8.]

Notes:

***Reviser's note:** The word "fuels" appearing in the session law version of the above section has been corrected to read "fund"; see comparable provisions in RCW 47.10.080, 47.10.220, 47.10.480, and 47.10.720.

RCW 47.10.734 Construction in Grant, Franklin, Adams counties authorized--Repayment to state by Grant, Franklin and Adams counties by retention of funds.

The secretary shall report to the state finance committee all sums expended from funds resulting from the sale of bonds authorized by RCW 47.10.726 through 47.10.738. Grant, Franklin, and Adams counties shall repay to the state all the cost of highway or road facilities actually constructed under the provisions of RCW 47.10.726 through 47.10.738 within each of

said counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds sold under the provisions of RCW 47.10.726 through 47.10.738 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.726 through 47.10.738 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

[1984 c 7 § 109; 1965 c 121 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.735 Construction in Grant, Franklin, Adams counties authorized--Repayment, limitation as to amount of funds retained--Deficits.

The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties as provided in RCW 47.10.734, together with the sums similarly retained under the provisions of RCW 47.10.010 through 47.10.140 and RCW 47.10.280 through 47.10.400 shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such highway facilities is paid.

[1965 c 121 § 10.]

RCW 47.10.736 Construction in Grant, Franklin, Adams counties authorized--Sums in excess of retirement requirements--Use.

Whenever the percentages of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1965 c 121 § 11.]

RCW 47.10.737 Construction in Grant, Franklin, Adams counties authorized--Allocation of bonds to counties--Conditions upon issuance--Use of county engineering forces.

The bonds authorized herein are allocated to the counties as follows:

- (1) For Adams county--one hundred thousand dollars.
- (2) For Franklin county--four hundred fifty thousand dollars.
- (3) For Grant county--one million three hundred thousand dollars:

PROVIDED, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

[1965 c 121 § 12.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.738 Construction in Grant, Franklin, Adams counties authorized--Appropriation from motor vehicle fund.

There is appropriated from the motor vehicle fund for the biennium ending June 30, 1967 the sum of one million eight hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.726 through 47.10.738.

[1965 c 121 § 13.]

ADDITIONAL BONDS--CONSTRUCTION AND IMPROVEMENT--1967 ACT

RCW 47.10.751 Additional funds--Declaration of necessity.

Increased costs of construction combined with an unprecedented increase in motor vehicle use in this state have created an urgent demand for additional highway construction funds. It is vital to the economy of this state and the safety of the public that additional funds be provided for the construction of state highways.

[1967 ex.s. c 7 § 3.]

RCW 47.10.752 Additional funds--Issuance and sale of limited obligation bonds.

In order to provide funds for the construction and improvement of state highways, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of thirty million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the

supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission.

[1967 ex.s. c 7 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.10.753 Additional funds--Form and term of bonds.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1967 ex.s. c 7 § 5.]

RCW 47.10.754 Additional funds--Sale of bonds--Legal investment for state funds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.751 through 47.10.760 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1967 ex.s. c 7 § 6.]

RCW 47.10.755 Additional funds--Bond proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways and for payment of the expenses incurred in the printing, issuance, and sale of

any such bonds.

[1967 ex.s. c 7 § 7.]

RCW 47.10.756 Additional funds--Bonds not general obligations--Taxes pledged.

Bonds issued under the provisions of RCW 47.10.751 through 47.10.760 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.751 through 47.10.760 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and *chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.751 through 47.10.760, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.751 through 47.10.760.

[1967 ex.s. c 7 § 8.]

Notes:

***Reviser's note:** Chapter 82.40 RCW, see note following RCW 47.10.729.

RCW 47.10.757 Additional funds--Source of funds for payment of bond principal and interest.

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1984 c 7 § 110; 1967 ex.s. c 7 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.758 Additional funds--Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.757, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of

the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1967 ex.s. c 7 § 10.]

RCW 47.10.759 Additional funds--Sums in excess of retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1967 ex.s. c 7 § 11.]

RCW 47.10.760 Additional funds--Appropriation from motor vehicle fund.

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of thirty million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.751 through 47.10.760.

[1967 ex.s. c 7 § 12.]

RESERVE FUNDS FOR HIGHWAY, STREET, AND ROAD PURPOSES--1967 ACT

RCW 47.10.761 Reserve funds--Purposes.

It is the purpose of RCW 47.10.761 through 47.10.771 to provide reserve funds to the department for the following purposes:

- (1) For construction, reconstruction, or repair of any state highway made necessary by slides, storm damage, or other unexpected or unusual causes;
- (2) For construction or improvement of any state highway when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within any area of the state;
- (3) To advance funds to any city or county to be used exclusively for the construction or improvement of any city street or county road when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within a particular area of the state. Before funds provided by the sale of bonds as authorized in RCW

47.10.761 through 47.10.770, are loaned to any city or county for the purposes specified herein, the department shall enter into an agreement with the city or county providing for repayment to the motor vehicle fund of such funds, together with the amount of bond interest thereon, from the city's or the county's share of the motor vehicle funds arising from excise taxes on motor vehicle fuels, over a period not to exceed twenty-five years; and

(4) To participate in projects on state highways or projects benefiting state highways that have been selected for funding by entities other than the Washington state department of transportation and require a financing contribution by the department of transportation.

[1993 sp.s. c 11 § 1; 1984 c 7 § 111; 1967 ex.s. c 7 § 13.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.762 Issuance and sale of general obligation bonds.

In order to provide reserve funds for the purposes specified in RCW 47.10.761, there shall be issued and sold general obligation bonds of the state of Washington in the sum of twenty-five million dollars or such amount thereof and at such times as may be determined to be necessary by the state transportation commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state transportation commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the purposes enumerated in RCW 47.10.761.

[1993 sp.s. c 11 § 2; 1967 ex.s. c 7 § 14.]

RCW 47.10.763 Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1967 ex.s. c 7 § 15.]

RCW 47.10.764 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.761 through 47.10.771 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1967 ex.s. c 7 § 16.]

RCW 47.10.765 Bonds--Bond proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the purposes enumerated in RCW 47.10.761 and for payment of the expense incurred in the drafting, printing, issuance and sale of any such bonds.

[1967 ex.s. c 7 § 17.]

RCW 47.10.766 Bonds--Statement describing nature of obligation--Pledge of excise taxes.

Bonds issued under the provisions of RCW 47.10.761 through 47.10.771 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.761 through 47.10.771 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and *chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.761 through 47.10.771, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.761 through 47.10.771.

[1967 ex.s. c 7 § 18.]

Notes:

***Reviser's note:** Chapter 82.40 RCW, see note following RCW 47.10.729.

RCW 47.10.767 Bonds--Designation of funds to repay bonds and interest.

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any

allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1984 c 7 § 112; 1967 ex.s. c 7 § 19.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.768 Bonds--Pledge of federal aid funds.

As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the department, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956, as amended, for the construction of Washington's portion of the national system of interstate and defense highways.

[1984 c 7 § 113; 1967 ex.s. c 7 § 20.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.769 Bonds--Repayment procedure--Bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.767, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in RCW 47.10.768, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1967 ex.s. c 7 § 21.]

RCW 47.10.770 Bonds--Sums in excess of retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor

fuels and the federal funds which may be pledged as provided in RCW 47.10.768, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1967 ex.s. c 7 § 22.]

RCW 47.10.771 Bonds--Appropriation from motor vehicle fund.

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of twenty-five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.761 through 47.10.771.

[1967 ex.s. c 7 § 23.]

STATE HIGHWAYS IN URBAN AREAS

RCW 47.10.775 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc.

See RCW 47.26.400 through 47.26.407.

COUNTY AND CITY ARTERIALS IN URBAN AREAS

RCW 47.10.777 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc.

See RCW 47.26.420 through 47.26.460.

INTERSTATE 90 COMPLETION--1979 ACT

RCW 47.10.790 Issuance and sale of general obligation bonds--State route 90 improvements--Category C improvements.

(1) In order to provide funds for the location, design, right of way, and construction of selected interstate highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission, a total of one hundred million dollars of general obligation bonds of the state of Washington to pay the state's share of costs for completion of state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular federal interstate funding and until December 31, 1989, to temporarily pay the regular federal share of construction of completion projects on state route 90 (state route 5 to state route

405) and other related state highway projects eligible for regular interstate funding in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.801 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122.

(2) The transportation commission, in consultation with the legislative transportation committee, may at any time find and determine that any amount of the bonds authorized in subsection (1) of this section, and not then sold, are no longer required to be issued and sold for the purposes described in subsection (1) of this section.

(3) Any bonds authorized by subsection (1) of this section that the transportation commission determines are no longer required for the purpose of paying the cost of the designated interstate highway improvements described therein shall be issued and sold, upon the request of the Washington state transportation commission, to provide funds for the location, design, right of way, and construction of major transportation improvements throughout the state that are identified as category C improvements in *RCW 47.05.030.

[1985 c 406 § 1; 1982 c 19 § 3; 1981 c 316 § 10; 1979 ex.s. c 180 § 1.]

Notes:

***Reviser's note:** RCW 47.05.030 was amended by 1993 c 490 § 3 and no longer defines highway projects or improvements.

Severability--1982 c 19: See note following RCW 47.10.801.

Severability--1981 c 316: See RCW 47.10.811.

RCW 47.10.791 Administration and amount of bond sales.

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.790 in accordance with the provisions of chapter 39.42 RCW. The amount of such bonds issued and sold under the provisions of RCW 47.10.790 through 47.10.798 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.790. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or

statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

[1986 c 290 § 6; 1979 ex.s. c 180 § 2.]

RCW 47.10.792 Bond proceeds--Deposit and use.

The proceeds from the sale of the bonds authorized by RCW 47.10.790 shall be deposited in the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.10.790, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1986 c 290 § 7; 1979 ex.s. c 180 § 3.]

RCW 47.10.793 Statement of general obligation--Pledge of excise taxes.

Bonds issued under the provisions of RCW 47.10.790 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.10.790 through 47.10.798 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.790 through 47.10.798, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.790 through 47.10.798.

[1995 c 274 § 6; 1979 ex.s. c 180 § 4.]

RCW 47.10.794 Designation of funds to repay bonds and interest.

Any funds required to repay the bonds authorized by RCW 47.10.790 or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for

state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1979 ex.s. c 180 § 5.]

RCW 47.10.795 Repayment procedure--Bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.794, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the highway bond retirement fund heretofore created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith, and such committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

[1979 ex.s. c 180 § 6.]

RCW 47.10.796 Sums in excess of retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds pursuant to applicable bond covenants or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund.

[1979 ex.s. c 180 § 7.]

RCW 47.10.797 Bonds legal investment for state funds.

The bonds authorized in RCW 47.10.790 through 47.10.798 constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1979 ex.s. c 180 § 8.]

RCW 47.10.798 Bonds equal charge against fuel tax revenues.

Except as otherwise provided by statute, general obligation bonds issued under authority

of legislation enacted during the 45th session of the legislature and thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

[1979 ex.s. c 180 § 9.]

RCW 47.10.799 Appropriation--Expenditure limited to bond sale proceeds.

There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of ten million dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.790: PROVIDED, That the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of ten million dollars of bonds authorized by RCW 47.10.790 and deposited to the credit of the motor vehicle fund.

[1979 ex.s. c 180 § 10.]

RCW 47.10.800 Severability--1979 ex.s. c 180.

If any provision of RCW 47.10.790 through 47.10.800 or its application to any person or circumstance is held invalid, the remainder of RCW 47.10.790 through 47.10.800 or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 180 § 12.]

INTERSTATE HIGHWAY, CATEGORY A, CATEGORY C IMPROVEMENTS--1981 ACT

RCW 47.10.801 Issuance and sale of general obligation bonds.

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2), (3), and (4) of this section, upon the request of the Washington state transportation commission a total of four hundred sixty million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of

plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements in *RCW 47.05.030;

(c) Ten million dollars for state highway improvements necessitated by planned economic development, as determined through the procedures set forth in RCW 43.160.074 and 47.01.280.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission, in consultation with the legislative transportation committee, determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

(4) The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section and increase the amount of bonds authorized in subsection (1)(a) or (b) of this section, or both by an amount equal to the decrease in subsection (1)(c) of this section. The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section only if the legislature appropriates an equal amount of funds from the motor vehicle fund - basic account for the purposes enumerated in subsection (1)(c) of this section.

[1999 c 94 § 13; 1994 c 173 § 1. Prior: 1985 c 433 § 7; 1985 c 406 § 2; 1982 c 19 § 1; 1981 c 316 § 1.]

Notes:

***Reviser's note:** RCW 47.05.030 was amended by 1993 c 490 § 3 and no longer defines categories of highway projects or improvements.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective date--1994 c 173: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1994]." [1994 c 173 § 2.]

Nonseverability--1985 c 433: See note following RCW 43.160.074.

Severability--1982 c 19: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 19 § 5.]

RCW 47.10.802 Administration and amount of bond sales.

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.801 in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold under RCW 47.10.801 through 47.10.809 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as

may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.801. The amount of bonds issued and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as provided in that section, exceed the amount required to match federal-aid interstate funds available to the state of Washington. The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee before requesting the state finance committee to issue and sell bonds authorized by RCW 47.10.801(1)(a). The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

[1986 c 290 § 1; 1983 1st ex.s. c 53 § 23; 1982 c 19 § 2; 1981 c 316 § 2.]

Notes:

Severability--1983 1st ex.s. c 53: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 1st ex.s. c 53 § 36.]

Severability--1982 c 19: See note following RCW 47.10.801.

RCW 47.10.803 Bond proceeds--Deposit and use.

The proceeds from the sale of the bonds authorized by RCW 47.10.801(1) shall be deposited in the motor vehicle fund. All such proceeds shall be available only for the purposes enumerated in RCW 47.10.801, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1999 c 94 § 14; 1986 c 290 § 2; 1985 c 433 § 8; 1981 c 316 § 3.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Nonseverability--1985 c 433: See note following RCW 43.160.074.

RCW 47.10.804 Statement of general obligation--Pledge of excise taxes.

Bonds issued under RCW 47.10.801 shall distinctly state that they are a general

obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.10.801 through 47.10.809 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under RCW 47.10.801 through 47.10.809, and the legislature hereby agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under RCW 47.10.801 through 47.10.809.

[1995 c 274 § 7; 1981 c 316 § 4.]

RCW 47.10.805 Designation of funds to repay bonds and interest.

Any funds required to repay the bonds authorized by RCW 47.10.801 or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1981 c 316 § 5.]

RCW 47.10.806 Repayment procedure--Bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to RCW 47.10.805, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the highway bond retirement fund heretofore created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith, and the committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

[1981 c 316 § 6.]

RCW 47.10.807 Sums in excess of retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due, or current retirement bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1981 c 316 § 7.]

RCW 47.10.808 Bonds legal investment for state funds.

The bonds authorized in RCW 47.10.801 through 47.10.809 constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1981 c 316 § 8.]

RCW 47.10.809 Bonds equal charge against fuel tax revenues.

Bonds issued under authority of RCW 47.10.801 through 47.10.809 and any subsequent general obligation bonds of the state of Washington which may be authorized and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

[1981 c 316 § 9.]

RCW 47.10.811 Severability--1981 c 316.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1981 c 316 § 13.]

CATEGORY C IMPROVEMENTS--1993 ACT

RCW 47.10.812 Issuance and sale of general obligation bonds.

In order to provide funds necessary for the location, design, right of way, and construction of state highway improvements that are identified as special category C improvements, there shall be issued and sold upon the request of the Washington state transportation commission a total of three hundred thirty million dollars of general obligation bonds of the state of Washington.

[1999 sp.s. c 2 § 1; 1993 c 431 § 1.]

RCW 47.10.813 Administration and amount of sale.

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.812 through 47.10.817 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.812 through 47.10.817 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1993 c 431 § 2.]

RCW 47.10.814 Proceeds--Deposit and use.

The proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 shall be deposited in the special category C account in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in RCW 47.10.812, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

[1993 c 431 § 3.]

RCW 47.10.815 Statement of general obligation--Pledge of excise taxes.

Bonds issued under the authority of RCW 47.10.812 through 47.10.817 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in RCW 47.10.812 through 47.10.817 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.812 through 47.10.817, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.10.812 through 47.10.817.

[1995 c 274 § 8; 1993 c 431 § 4.]

RCW 47.10.816 Designation of funds to repay bonds and interest.

Both principal and interest on the bonds issued for the purposes of RCW 47.10.812 through 47.10.817 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the special category C account in the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.812 through 47.10.817 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the special category C account in the motor vehicle fund. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the special category C account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities and towns, shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the special category C account not required for bond retirement or interest on the bonds.

[1993 c 431 § 5.]

RCW 47.10.817 Equal charge against fuel tax revenues.

Bonds issued under the authority of RCW 47.10.812 through 47.10.816 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

[1993 c 431 § 6.]

RCW 47.10.818 Severability--1993 c 431.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 c 431 § 8.]

INTERSTATE, OTHER HIGHWAY IMPROVEMENTS--1993 ACT

RCW 47.10.819 Issuance and sale of general obligation bonds.

In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission a total of one hundred million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(1) Not to exceed twenty-five million dollars to pay the state's and local governments' share of matching funds for the ten demonstration projects identified in the Intermodal Surface Transportation Efficiency Act of 1991.

(2) Not to exceed fifty million dollars to temporarily pay the regular federal share of construction in advance of federal-aid apportionments as authorized by this section.

(3) Not to exceed twenty-five million dollars for loans to local governments to provide the required matching funds to take advantage of available federal funds. These loans shall be on such terms and conditions as determined by the Washington state transportation commission, but in no event may the loans be for a period of more than ten years. The interest rate on the loans authorized under this subsection shall be equal to the interest rate on the bonds sold for such purposes.

[1993 c 432 § 1.]

RCW 47.10.820 Administration and amount of sale.

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1993 c 432 § 2.]

RCW 47.10.821 Proceeds--Deposit and use.

The proceeds from the sale of bonds authorized by RCW 47.10.819 through 47.10.824 shall be deposited in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in RCW 47.10.819, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

[1993 c 432 § 3.]

RCW 47.10.822 Statement of general obligation--Pledge of excise taxes.

Bonds issued under the authority of RCW 47.10.819 through 47.10.824 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in RCW 47.10.819 through 47.10.824 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.819 through 47.10.824, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.10.819 through 47.10.824.

[1995 c 274 § 9; 1993 c 432 § 4.]

RCW 47.10.823 Designation of funds to repay bonds and interest.

Both principal and interest on the bonds issued for the purposes of RCW 47.10.819 through 47.10.824 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.819 through 47.10.824 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or may be appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributed to the state, counties, cities,

and towns, shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

[1993 c 432 § 5.]

RCW 47.10.824 Equal charge against fuel tax revenues.

Bonds issued under the authority of RCW 47.10.819 through 47.10.823 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

[1993 c 432 § 6.]

RCW 47.10.825 Severability--1993 c 432.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 c 432 § 8.]

PUBLIC-PRIVATE TRANSPORTATION INITIATIVES--1994 ACT

RCW 47.10.834 Issuance and sale of general obligation bonds.

In order to provide funds necessary to implement the public-private transportation initiatives authorized by chapter 47.46 RCW, there shall be issued and sold upon the request of the Washington state transportation commission a total of twenty-five million six hundred twenty-five thousand dollars of general obligation bonds of the state of Washington.

[1995 2nd sp.s. c 15 § 2; 1994 c 183 § 2.]

Notes:

Severability--1995 2nd sp.s. c 15: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 2nd sp.s. c 15 § 9.]

Effective date--1995 2nd sp.s. c 15: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [June 16, 1995]." [1995 2nd sp.s. c 15 § 10.]

Finding--1994 c 183: "The legislature finds and declares:
Successful implementation of the public-private transportation initiatives program authorized in chapter 47.46 RCW may require the financial participation of the state in projects authorized in that chapter.

The participation may take the form of loans, loan guarantees, user charge guarantees, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, or such other

cash contribution arrangements as may improve the ability of the private entities sponsoring the projects to obtain financing.

It is in the best interests of the people of the state that state funding of possible financial participation in the projects authorized under chapter 47.46 RCW be in the form of long-term bonds. In order to repay expenditures incurred in the 1993-1995 biennium, up to two million two hundred thousand dollars of these bonds may be expended on highway improvement projects, under chapter 47.05 RCW." [1995 2nd sp.s. c 15 § 1; 1994 c 183 § 1.]

RCW 47.10.835 Administration and amount of sale.

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. In making such appropriation of the net proceeds of the sale of the bonds, the legislature shall specify what portion of the appropriation is provided for possible loans and what portion of the appropriation is provided for other forms of cash contributions to projects.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1994 c 183 § 3.]

RCW 47.10.836 Proceeds--Deposit and use.

(1) The proceeds from the sale of bonds authorized by RCW 47.10.834 through 47.10.841 that are in support of possible loans as specified under RCW 47.10.835 shall be deposited into the motor vehicle fund. The proceeds shall be available only for the purposes of making loans to entities authorized to undertake projects selected under chapter 47.46 RCW as enumerated in RCW 47.10.835, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

(2) The proceeds from the sale of bonds authorized by RCW 47.10.834 through 47.10.841 that are in support of all forms of cash contributions to projects selected under chapter 47.46 RCW, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, except loans shall be deposited into the motor vehicle fund. The proceeds shall be available only for the purposes of making any contributions except loans to projects selected under chapter 47.46 RCW, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

(3) Up to two million two hundred thousand dollars of the proceeds from the sale of bonds authorized by RCW 47.10.834 through 47.10.841 may be expended on highway improvement projects under chapter 47.05 RCW and for the payment of bond issuance cost,

including the cost of underwriting. Such proceeds shall be deposited into the motor vehicle fund.

[1995 2nd sp.s. c 15 § 3; 1994 c 183 § 4.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.837 Designation of funds to repay bonds and interest.

Principal and interest payments made on loans authorized by chapter 47.46 RCW shall be deposited into the motor vehicle fund and shall be available for the payment of principal and interest on bonds authorized by RCW 47.10.834 through 47.10.841 and for such other purposes as may be specified by law.

[1995 2nd sp.s. c 15 § 4; 1994 c 183 § 5.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.838 Statement of general obligation--Pledge of excise taxes.

(1) Bonds issued under the authority of RCW 47.10.834 through 47.10.841 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due.

(2) The principal and interest on the bonds issued for the purposes enumerated in RCW 47.10.836 shall be first payable in the manner provided in RCW 47.10.834 through 47.10.841 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of those excise taxes are pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.834 through 47.10.841, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.10.834 through 47.10.841.

[1995 2nd sp.s. c 15 § 5; 1994 c 183 § 6.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.839 Repayment procedure--Bond retirement fund.

(1) Both principal and interest on the bonds issued for the purposes of RCW 47.10.834 through 47.10.841 are payable from the highway bond retirement fund.

(2) The state finance committee shall, on or before June 30th of each year certify to the state treasurer the amount required for principal and interest on the bonds issued for the purposes

specified in RCW 47.10.836 in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit into the highway bond retirement fund such amounts, and at such times, as are required by the bond proceedings.

(3) Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.834 through 47.10.841 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels which is, or may be appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, or towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

(4) Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel and special fuel taxes that are distributable to the state, counties, cities, or towns shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

[1995 2nd sp.s. c 15 § 6; 1994 c 183 § 7.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.841 Equal charge against motor vehicle excise tax revenues.

Bonds issued under the authority of RCW 47.10.834 through 47.10.839 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels taxes for the payment of principal and interest thereon are an equal charge against the revenues from the motor vehicle and special fuels excise taxes.

[1995 2nd sp.s. c 15 § 7; 1994 c 183 § 9.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.842 Severability--1994 c 183.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1994 c 183 § 11.]

STATE AND LOCAL HIGHWAY IMPROVEMENTS--1998 ACT

RCW 47.10.843 Bond issue authorized.

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

[1998 c 321 § 16 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

RCW 47.10.844 Administration and amount of sale.

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1998 c 321 § 17 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

RCW 47.10.845 Proceeds--Deposit and use.

The proceeds from the sale of bonds authorized by RCW 47.10.843 through 47.10.848 shall be deposited in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in RCW 47.10.843, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

[1998 c 321 § 18 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

RCW 47.10.846 Statement of general obligation--Pledge of excise taxes.

Bonds issued under the authority of RCW 47.10.843 through 47.10.848 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in RCW 47.10.843 through 47.10.848 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.843 through 47.10.848, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.10.843 through 47.10.848.

[1998 c 321 § 19 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

RCW 47.10.847 Repayment procedure--Bond retirement fund.

Both principal and interest on the bonds issued for the purposes of RCW 47.10.843 through 47.10.848 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.843 through 47.10.848 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or may be, appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns, shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

[1998 c 321 § 20 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

RCW 47.10.848 Equal charge against motor vehicle and special fuels tax revenues.

Bonds issued under the authority of RCW 47.10.843 through 47.10.847 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

[1998 c 321 § 21 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.14.045.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.14.045.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.14.045.

**Chapter 47.12 RCW
ACQUISITION AND DISPOSITION OF STATE HIGHWAY PROPERTY**

Sections

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- 47.12.023 Acquisition of state lands or interests or rights therein--Procedures--Compensation--Reacquisition by department of natural resources.
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Notes:

Acquisition of rights of way, city streets: RCW 47.24.030.

RCW 47.12.010 Acquisition of property authorized--Condemnation actions--Cost.

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the department of transportation is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase, or condemnation.

In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the secretary of transportation shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

[1977 ex.s. c 151 § 46; 1967 c 108 § 4; 1961 c 13 § 47.12.010. Prior: 1937 c 53 § 25, part; RRS § 6400-25, part.]

Notes:

Urban public transportation system defined: RCW 47.04.082.

Right of way donations: Chapter 47.14 RCW.

RCW 47.12.011 Purchase options authorized.

Whenever it becomes necessary or feasible to purchase rights of way for state highways, and the department deems it to be in the best interest of the general public, the department may secure options for purchase of property needed or proposed for any entire project or section thereof or proposed alignment for the location or relocation of any highway.

[1984 c 7 § 114; 1961 c 13 § 47.12.011. Prior: 1955 c 49 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.023 Acquisition of state lands or interests or rights therein--Procedures--Compensation--Reacquisition by department of natural resources.

(1) Except as provided in RCW 47.12.026 and 47.12.029, whenever it is necessary to secure any lands or interests in lands for any highway purpose mentioned in RCW 47.12.010, or for the construction of any toll facility or ferry terminal or docking facility, the title to which is in the state of Washington and under the jurisdiction of the department of natural resources, the department of transportation may acquire jurisdiction over the lands or interests in lands, or acquire rights to remove materials from the lands in the manner set forth in this section.

(2) At any time after the final adoption of a right of way plan or other plan requiring the acquisition of lands or interests in lands for any purpose as authorized in subsection (1) of this section, the department of transportation may file with the department of natural resources a notice setting forth its intent to acquire jurisdiction of the lands or interests in lands under the jurisdiction of the department of natural resources required for right of way or other highway purposes related to the construction or improvement of such state highway, toll facility, or ferry terminal or docking facility.

(3) The department of transportation at the time of filing its notice of intent as provided

in subsection (2) of this section shall file therewith a written statement showing the total amount of just compensation to be paid for the property in the event of settlement. The offer shall be based upon the department of transportation approved appraisal of the fair market value of the property to be acquired. In no event may the offer of settlement be referred to or used during any arbitration proceeding or trial conducted for the purpose of determining the amount of just compensation.

(4) Just compensation and/or fair market value for the purposes of this section shall be determined in accordance with applicable federal and state constitutional, statutory, and case law relating to the condemnation of private and public property for public purposes.

(5) If the department of natural resources does not accept the offer of the department of transportation, the department of transportation may nonetheless pay to the department of natural resources the amount of its offer and obtain immediate possession and use of the property pending the determination of just compensation in the manner hereinafter provided.

(6) If the amount of just compensation is not agreed to, either the department of natural resources or the department of transportation may request in writing the appointment of an arbitrator for the purpose of determining the amount of compensation to be paid by the department of transportation for the acquisition of jurisdiction over the lands or interests in lands or rights therein. In that event the department of natural resources and the department of transportation may jointly agree on an arbitrator to determine the compensation, and his determination shall be final and conclusive upon both departments. The costs of the arbitrator shall be borne equally by the parties. If the department of natural resources and the department of transportation are unable to agree on the selection of an arbitrator within thirty days after a request therefor is made, either the department of transportation or the department of natural resources may file a petition with the superior court for Thurston county for the purpose of determining the amount of just compensation to be paid. The matter shall be tried by the court pursuant to the procedures set forth in RCW 8.04.080.

(7) Whenever the department of transportation has acquired immediate possession and use of property by payment of the amount of its offer to the department of natural resources, and the arbitration award or judgment of the court for the acquisition exceeds the payment for immediate possession and use, the department of transportation shall forthwith pay the amount of such excess to the department of natural resources with interest thereon from the date it obtained immediate possession. If the arbitration or court award is less than the amount previously paid by the department of transportation for immediate possession and use, the department of natural resources shall forthwith pay the amount of the difference to the department of transportation.

(8) Upon the payment of just compensation, as agreed to by the department of transportation and the department of natural resources, or as determined by arbitration or by judgment of the court, and other costs or fees as provided by statute, the department of natural resources shall cause to be executed and delivered to the department of transportation an instrument transferring jurisdiction over the lands or interests in lands, or rights to remove material from the lands, to the department of transportation.

(9) Except as provided in RCW 47.12.026, whenever the department of transportation

ceases to use any lands or interests in lands acquired in the manner set forth in this section for the purposes mentioned herein, the department of natural resources may reacquire jurisdiction over the lands or interests in land by paying the fair market value thereof to the department of transportation. If the two departments are unable to agree on the fair market value of the lands or interests in lands, the market value shall be determined and the interests therein shall be transferred in accordance with the provisions and procedures set forth in subsections (4) through (8) of this section.

[1984 c 7 § 115; 1977 ex.s. c 103 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.026 Acquisition of state lands or interests or rights therein--Easements--Removal of materials--Relocation of railroad tracks.

(1) The department of transportation may acquire an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, including the right to make necessary fills, on, over, or across the beds of navigable waters which are under the jurisdiction of the department of natural resources, in accordance with the provisions of RCW 47.12.023, except that no charge may be made to the department of transportation for such an easement.

(2) The department of transportation may obtain an easement for highway or toll facilities purposes or for ferry terminal or docking facilities on, over, or across harbor areas in accordance with RCW 47.12.023 but only when the areas are approved by the harbor line commission as a public place for public landings, wharves, or other public conveniences of commerce or navigation. No charge may be made to the department of transportation for such an easement.

(3) Upon the selection by the department of transportation of an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, as authorized in subsections (1) and (2) of this section, the department of natural resources shall cause to be executed and delivered to the department of transportation an instrument transferring the easement. Whenever the state no longer requires the easement for highway or toll facilities right of way or for ferry terminal or docking facilities, the easement shall automatically terminate and the department of transportation shall, upon request, cause to be executed an instrument relinquishing to the department of natural resources all of its interest in the lands.

(4) The department of transportation, pursuant to the procedures set forth in RCW 47.12.023, may remove sand and gravel and borrow materials and stone from the beds of navigable waters under the jurisdiction of the department of natural resources which lie below the line of ordinary high water upon the payment of fair market value per cubic yard for such materials to be determined in the manner set forth in RCW 47.12.023.

(5) The department of transportation may acquire full jurisdiction over lands under the jurisdiction of the department of natural resources including the beds of navigable waters that are required for the relocation of the operating tracks of any railroad that will be displaced by the acquisition of such railroad property for state highway purposes. The department of

transportation may exchange lands so acquired in consideration or partial consideration for the land or property rights needed for highway purposes and may cause to be executed a conveyance of the lands in the manner prescribed in RCW 47.12.150. In that event the department of transportation shall pay to the department of natural resources, as just compensation for the acquisition, the fair market value of the property, including the beds of any navigable waters, to be determined in accordance with procedures set forth in RCW 47.12.023.

[1984 c 7 § 116; 1977 ex.s. c 103 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.029 Acquisition of state lands or interests or rights therein--Certain purposes prohibited.

The department of transportation shall not acquire jurisdiction of any lands or interest in lands under the jurisdiction of the department of natural resources for any of the purposes set forth in RCW 47.12.150, 47.12.160, 47.12.180, 47.12.250, and 47.12.270.

[1984 c 7 § 117; 1977 ex.s. c 103 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.040 Acquisition of property from a political subdivision.

Whenever it is necessary to secure any lands for primary or secondary state highway right of way or other state highway purposes, the title to which is in any county of the state or in any political or municipal subdivision of the state, which land is not at the time being used as a public highway, the county legislative authority or the board of directors or governing body of any such political or municipal subdivision are authorized to directly lease, sell, or convey by gift the land or any interest therein to the state of Washington, without requiring competitive bids or notice to the public, and at such price as the legislative authority, directors, or governing body may deem for the best interests of the county or for the best interests of the political or municipal subdivision of the state. The county legislative authority or the directors or governing body of any political or municipal subdivision are empowered to execute a deed or other proper instrument to the land, passing title to the state of Washington, and the instrument need not require consideration other than the benefit which may be derived by the grantor on account of the use thereof. Whenever any state highway is established by legislative enactment and the state highway is upon the former route of a county road, the county legislative authority shall cause the title to the existing right of way or so much thereof as the department requires to be transferred to the state of Washington by proper instrument.

[1984 c 7 § 118; 1961 c 13 § 47.12.040. Prior: 1943 c 266 § 1; 1937 c 53 § 26; Rem. Supp. 1943 § 6400-26.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.044 Proceedings to acquire property or rights for highway purposes--Precedence.

Court proceedings necessary to acquire property or property rights for highway purposes pursuant to RCW 47.12.010 take precedence over all other causes not involving the public interest in all courts in cases where the state is unable to secure an order granting it immediate possession and use of the property or property rights pursuant to RCW 8.04.090 through 8.04.094.

[1983 c 140 § 2.]

RCW 47.12.050 Work on remaining land as payment.

Whenever it is considered in the securing of any lands for state highway purpose, whether by condemnation or otherwise, that it is for the best interest of the state, for specific structural items of damage claimed, the court or judge may order or the person whose lands are sought may agree that a portion or all work or labor necessary to the land or remaining land by reason of the taking by way of damage, be performed by the state through the department as all or a part of the consideration or satisfaction of the judgment therefor, in which event the department may perform the work as a portion of the right of way cost of the state highway.

[1984 c 7 § 119; 1961 c 13 § 47.12.050. Prior: 1937 c 53 § 27; RRS § 6400-27.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.063 Surplus real property program.

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or improvements or for construction of improvements at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) Regional transit authorities created under chapter 81.112 RCW;
- (e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any person through the solicitation of written bids through public advertising in the manner prescribed by RCW 47.28.050;

(i) To any other owner of real property required for transportation purposes; or

(j) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW.

(3) Sales to purchasers may at the department's option be for cash, by real estate contract, or exchange of land or improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(4) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

[1999 c 210 § 1; 1993 c 461 § 11; 1988 c 135 § 1; 1983 c 3 § 125; 1977 ex.s. c 78 § 1.]

Notes:

Finding--1993 c 461: See note following RCW 43.63A.510.

RCW 47.12.064 Affordable housing--Inventory of suitable property.

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

[1995 c 399 § 121; 1993 c 461 § 10.]

Notes:

Finding--1993 c 461: See note following RCW 43.63A.510.

RCW 47.12.066 Sale or lease of personal property--Provision of services--Proceeds.

(1) The department may sell at fair market value, or lease at rental value (economic rent), materials or other personal property to any United States agency or to any municipal corporation, political subdivision, or another agency of the state and may provide services to any United States agency or to any municipal corporation, political subdivision, or another agency of the state at actual cost, including a reasonable amount for indirect costs.

(2) The department may sell at fair market value materials or other personal property to any private utility company regulated by the utilities and transportation commission for the purpose of making emergency repairs to utility facilities or to protect such facilities from imminent damage upon a finding in writing by the secretary that an emergency exists.

(3) The proceeds of all sales and leases under this section shall be placed in the motor vehicle fund.

[1984 c 7 § 120; 1977 ex.s. c 78 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.080 Sale or exchange of unused land.

The secretary of transportation may transfer and convey to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state, or to any public utility company, any unused state-owned real property under the jurisdiction of the department of transportation when, in the judgment of the secretary of transportation and the attorney general, the transfer and conveyance is consistent with public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, and the attorney general concurs therein, the secretary shall execute and deliver unto the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

[1984 c 7 § 121. Prior: 1977 ex.s. c 151 § 49; 1977 ex.s. c 78 § 5; 1975 1st ex.s. c 96 § 3; 1961 c 13 § 47.12.080; prior: 1945 c 127 § 1; Rem. Supp. 1945 § 6400-120.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.120 Lease of unused highway land or air space.

The department is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed,

upon such terms and conditions as the department may determine.

[1977 ex.s. c 151 § 50; 1969 c 91 § 1; 1961 c 13 § 47.12.120. Prior: 1949 c 162 § 1; Rem. Supp. 1949 § 6400-122.]

RCW 47.12.125 Lease of unused highway land or air space--Disposition of proceeds.

All moneys paid to the state of Washington under any of the provisions of RCW 47.12.120 shall be deposited in the department's advance right of way revolving fund, except moneys that are subject to federal aid reimbursement and moneys received from rental of capital facilities properties, which shall be deposited in the motor vehicle fund.

[1999 c 94 § 15; 1991 c 291 § 3; 1961 c 13 § 47.12.125. Prior: 1949 c 162 § 2; Rem. Supp. 1949 § 6400-123.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

RCW 47.12.140 Severance and sale of timber and other personalty--Removal of nonmarketable materials.

Whenever the department has acquired any lands for transportation purposes, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land that the department deems it best to sever from the land and sell as personal property, the same may be disposed of by one of the following means:

(1) The department may sell the personal property at public auction after due notice has been given in accordance with general rules adopted by the secretary. The department may set minimum prices that will be accepted for any item offered for sale at public auction as provided in this section and may prescribe terms or conditions of sale. If an item is offered for sale at the auction and no satisfactory bids are received or the amount bid is less than the minimum set by the department, the department may sell the item at private sale for the best price that it deems obtainable, but not less than the highest price bid at the public auction. The proceeds of all sales under this section must be placed in the motor vehicle fund.

(2) The department may issue permits to residents of this state to remove specified quantities of standing or downed trees and shrubs, rock, sand, gravel, or soils that have no market value in place and that the department desires to be removed from state-owned lands that are under the jurisdiction of the department. An applicant for a permit must certify that the materials so removed are to be used by the applicant and that they will not be disposed of to any other person. Removal of materials under the permit must be in accordance with rules adopted by the department. The fee for a permit is two dollars and fifty cents, which fee must be deposited in the motor vehicle fund. The department may adopt rules providing for special access to limited access facilities for the purpose of removal of materials under permits authorized in this section.

(3) The department may sell timber or logs to an abutting landowner for cash at full appraised value, but only after each other abutting owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting owner requests in writing the right to purchase the timber within fifteen days after receiving notice of

the proposed sale, the timber must be sold in accordance with subsection (1) of this section.

(4) The department may sell timber or logs having an appraised value of one thousand dollars or less directly to interested parties for cash at the full appraised value without notice or advertising. If the timber is attached to state-owned land, the department shall issue a permit to the purchaser of the timber to allow for the removal of the materials from state land. The permit fee is two dollars and fifty cents.

[1997 c 240 § 1; 1981 c 260 § 12. Prior: 1977 ex.s. c 151 § 52; 1977 ex.s. c 78 § 6; 1961 c 13 § 47.12.140; prior: 1953 c 42 § 1.]

RCW 47.12.150 Acquisition, exchange of property to relocate displaced facility.

Whenever the department shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the department is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The secretary of transportation shall execute each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange.

[1977 ex.s. c 151 § 53; 1975 1st ex.s. c 96 § 5; 1961 c 13 § 47.12.150. Prior: 1953 c 55 § 1.]

RCW 47.12.160 Acquisition of land outside highway right of way to minimize damage.

Whenever a part of a parcel of land is to be acquired for state highway purposes and the remainder lying outside of the right of way is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, and its value does not exceed the probable amount of the severance claims or damages, the department may acquire by gift, purchase, or condemnation the whole parcel and may sell that portion lying outside of the highway right of way or may exchange the same for other property needed for highway purposes. The provisions of this section do not apply if the taking of that portion of the land lying outside of the highway right of way would deprive any adjacent owner of an existing right of ingress and egress to his property.

[1984 c 7 § 122; 1961 c 13 § 47.12.160. Prior: 1953 c 131 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.170 Sale, lease of unneeded toll facility, ferry system property--Franchises for utility, railway purposes.

See RCW 47.56.253 through 47.56.257.

RCW 47.12.180 Additional financing methods for property and engineering costs--Formal declarations.

It is declared to be the public policy of the state of Washington to provide for the acquisition of real property and engineering costs necessary for the improvement of the state highway system, in advance of actual construction, for the purposes of eliminating costly delays in construction, reducing hardship to owners of the property, and eliminating economic waste occasioned by the improvement of such property immediately prior to its acquisition for highway uses.

The legislature therefore finds and declares that purchase and condemnation of real property necessary for the state highway system and engineering costs, reasonably in advance of programmed construction, is a public use and purpose and a highway purpose.

The department is hereby authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvement of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240 or alternatively by the method provided in RCW 47.12.242 through 47.12.246. Neither method may be used to condemn property or property rights in advance of programmed construction until the department has complied with hearing procedures required for the location or relocation of the type of highway for which the property is to be condemned.

[1984 c 7 § 123; 1969 ex.s. c 197 § 1; 1961 c 281 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 281: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 281 § 12.]

RCW 47.12.190 Additional financing methods for property and engineering costs--Purchase or condemnation.

The department, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the secretary of transportation is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

[1977 ex.s. c 151 § 54; 1961 c 281 § 2.]

Notes:

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.200 Additional financing methods for property and engineering costs--Agreements with state finance committee.

The transportation commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the transportation commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

[1977 ex.s. c 151 § 55; 1969 ex.s. c 197 § 2; 1961 c 281 § 3.]

Notes:

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.210 Additional financing methods for property and engineering costs--Warrants on motor vehicle fund.

Such an agreement shall provide that the state finance committee shall purchase, at par, warrants drawn upon the motor vehicle fund in payment for the property covered by the agreement and the engineering costs necessary for such advance purchase or condemnation. Such warrants shall be purchased by the state finance committee, upon the presentation by the holders thereof to the state treasurer, from any moneys available for investment in the state treasury as provided in RCW 43.84.080: PROVIDED, That in no event shall more than ten percent of the assets of any fund be used for the purpose of acquiring property as authorized herein, except in the case of current state funds in the state treasury, twenty percent of the balance therein available for investment may be invested as provided in RCW 47.12.180 through 47.12.240.

[1981 c 3 § 38; 1969 ex.s. c 197 § 3; 1961 c 281 § 4.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1961 c 281: See note following RCW 47.12.180.

Authorization that certain funds may be invested in motor vehicle fund warrants: RCW 43.84.080.

RCW 47.12.220 Additional financing methods for property and engineering costs--Mandatory, permissive, provisions in agreement.

Each such agreement shall include, but shall not be limited to the following:

- (1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement;
- (2) A designation of the specific fund or funds to be used to carry out such agreement;
- (3) A provision that the department of transportation may redeem warrants purchased by

the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the department of transportation shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier;

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee;

(5) Any additional provisions agreed upon by the transportation commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240, as now or hereafter amended.

[1977 ex.s. c 151 § 56; 1969 ex.s. c 197 § 4; 1961 c 281 § 5.]

Notes:

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.230 Additional financing methods for property and engineering costs--Warrant form and procedure.

Warrants issued for payment of property and engineering costs as provided herein shall be of a distinctive design and shall contain the words "for purchase by the state finance committee from . . . fund" (indicating the proper investing fund as provided by the agreement). Such warrants shall be approved by the secretary of the state finance committee prior to their issuance by the state treasurer. Upon presentation of such warrants to the state treasurer for payment, he shall pay the par value thereof from the fund for which the state finance committee agreed to purchase such warrants whether or not there are then funds in the motor vehicle fund. The state treasurer shall deposit such warrants in the treasury for the investing fund.

[1969 ex.s. c 197 § 5; 1961 c 281 § 6.]

Notes:

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.240 Additional financing methods for property and engineering costs--Payment procedure--Prior charge.

The state treasurer shall transfer from the motor vehicle fund to the credit of the fund purchasing such warrants interest at the rate and at the times provided for in the agreement. The state treasurer shall pay the warrants at the time provided for in the agreement. The obligations coming due are a prior charge against any funds in the motor vehicle fund available to the department for construction of state highways.

[1984 c 7 § 124; 1961 c 281 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.242 "Advance right of way acquisition" defined.

The term "advance right of way acquisition" means the acquisition of property and property rights, generally not more than ten years in advance of programmed highway construction projects, together with the engineering costs necessary for such advance right of way acquisition. Any property or property rights purchased must be in designated highway transportation corridors and be for projects approved by the commission as part of the state's six-year plan or included in the state's route development planning effort.

[1991 c 291 § 1; 1969 ex.s. c 197 § 6.]

RCW 47.12.244 Advance right of way revolving fund.

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in *chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

[1991 c 291 § 2; 1984 c 7 § 125; 1969 ex.s. c 197 § 7.]

Notes:

***Reviser's note:** Chapter 47.13 RCW was repealed by 1999 c 94 § 33, effective July 1, 1999.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.246 Reimbursement to advance right of way revolving fund.

(1) After any properties or property rights are acquired from funds in the advance right of way revolving fund, the department shall manage the properties in accordance with sound business practices. Funds received from interim management of the properties shall be deposited in the advance right of way revolving fund.

(2) When the department proceeds with the construction of a highway which will require the use of any of the property so acquired, the department shall reimburse the advance right of way revolving fund, from other funds available to it, the current appraised value of the property or property rights required for the project together with damages caused to the remainder by the acquisition after offsetting against all such compensation and damages the special benefits, if any, accruing to the remainder by reason of the state highway being constructed.

(3) When the department determines that any properties or property rights acquired from funds in the advance right of way revolving fund will not be required for a highway construction project the department may sell the property at fair market value in accordance with

requirements of RCW 47.12.063. All proceeds of such sales shall be deposited in the advance right of way revolving fund.

(4) Deposits in the fund may be reexpended as provided in RCW 47.12.180, 47.12.200 through 47.12.230, and 47.12.242 through 47.12.248 without further or additional appropriations.

[1991 c 291 § 4; 1984 c 7 § 126; 1969 ex.s. c 197 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.248 Structures acquired in advance of programmed construction--Maintenance.

Whenever the department purchases or condemns any property under RCW 47.12.180 through 47.12.240 or 47.12.242 through 47.12.246, the department shall cause any structures so acquired and not removed within a reasonable time to be maintained in good appearance.

[1984 c 7 § 127; 1969 ex.s. c 197 § 10.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.250 Acquisition of property for preservation, safety, buffer purposes.

The department is authorized to acquire by purchase, lease, condemnation, gift, devise, bequest, grant, or exchange, title to or any interests or rights in real property adjacent to state highways for the preservation of natural beauty, historic sites or viewpoints or for safety rest areas or to provide a visual or sound buffer between highways and adjacent properties. However, the department shall not acquire, by condemnation, less than an owner's entire interest for providing a visual or sound buffer between highways and adjacent properties under RCW 47.12.010 and 47.12.250 if the owner objects to the taking of a lesser interest or right.

[1984 c 7 § 128; 1967 c 108 § 5; 1965 ex.s. c 170 § 62.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Roadside areas--Safety rest areas: Chapter 47.38 RCW.

Scenic and Recreational Highway Act: Chapter 47.39 RCW.

RCW 47.12.260 Acquisition of real property subject to local improvement assessments--Payment.

See RCW 79.44.190.

RCW 47.12.270 Acquisition of property for park and ride lots.

The department may acquire real property or interests in real property by gift, purchase, lease, or condemnation and may construct and maintain thereon fringe and transportation corridor parking facilities to serve motorists transferring to or from urban public transportation vehicles or private car pool vehicles. The department may obtain and exercise options for the purchase of property to be used for purposes described in this section. The department shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless the facility has been approved by the department in advance of its acquisition or construction.

[1984 c 7 § 129; 1973 2nd ex.s. c 18 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.283 Sale of real property authorized--Procedure--Disposition of proceeds.

(1) Whenever the department of transportation determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for highway purposes and that it is in the public interest to do so, the department may, in its discretion, sell the property under RCW 47.12.063 or under subsections (2) through (6) of this section.

(2) Whenever the department determines to sell real property under its jurisdiction at public auction, the department shall first give notice thereof by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks prior to the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) The department shall sell the property at the public auction, in accordance with the terms set forth in the notice, to the highest and best bidder providing the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property shall be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property pursuant to this subsection shall be in writing and may be rejected at any time prior to written acceptance by the department.

(5) Before the department shall approve any offer for the purchase of real property having an appraised value of more than ten thousand dollars, pursuant to subsection (4) of this section, the department shall first publish a notice of the proposed sale in a local newspaper of general circulation in the area where the property is located. The notice shall include a description of the property, the selling price, the terms of the sale, including the price and

interest rate if sold by real estate contract, and the name and address of the department employee or the real estate broker handling the transaction. The notice shall further state that any person may, within ten days after the publication of the notice, deliver to the designated state employee or real estate broker a written offer to purchase the property for not less than ten percent more than the negotiated sale price, subject to the same terms and conditions. A subsequent offer shall not be considered unless it is accompanied by a deposit of twenty percent of the offer in the form of cash, money order, cashiers check, or certified check payable to the Washington state treasurer, to be forfeited to the state (for deposit in the motor vehicle fund) if the offeror fails to complete the sale if the offeror's offer is accepted. If a subsequent offer is received, the first offeror shall be informed by registered or certified mail sent to the address stated in his offer. The first offeror shall then have ten days, from the date of mailing the notice of the increased offer, in which to file with the designated state employee or real estate broker a higher offer than that of the subsequent offeror. After the expiration of the ten day period, the department shall approve in writing the highest and best offer which the department then has on file.

(6) All moneys received pursuant to this section, less any real estate broker's commissions paid pursuant to RCW 47.12.320, shall be deposited in the motor vehicle fund.

[1979 ex.s. c 189 § 1.]

Notes:

Effective date--1979 ex.s. c 189: "This 1979 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1979." [1979 ex.s. c 189 § 8.]

RCW 47.12.287 Exchange of real property authorized--Conveyance by deed.

The department of transportation is hereby authorized to enter into an exchange agreement with the owner of real property required for highway purposes to convey to such owner real property, owned by the state and under the department's jurisdiction, as full or part consideration for property to be acquired for highway purposes. Such an exchange agreement may relate back and apply to any exchange of property previously agreed to and partially executed (pursuant to an earlier exchange agreement found to be void for want of a governor's deed as required by prior law), and shall be subject to such agreed terms and conditions as are authorized by RCW 47.12.063(3) as now existing or hereafter amended. Any conveyance from the state of Washington made pursuant to this section shall be by deed executed by the secretary of transportation, which shall be duly acknowledged.

[1979 ex.s. c 189 § 2.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

RCW 47.12.290 Sale of real property--Execution, acknowledgement, and delivery of deed.

When full payment for real property agreed to be sold as authorized by RCW 47.12.283 has been received, the secretary of transportation shall execute the deed which shall be duly

acknowledged and deliver it to the grantee.

[1979 ex.s. c 189 § 3; 1975 1st ex.s. c 96 § 6; 1973 1st ex.s. c 177 § 2.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

RCW 47.12.300 Sale of unneeded property--Department of transportation--Authorized--Rules.

See RCW 47.56.254.

RCW 47.12.301 Sale of unneeded property--Department of transportation--Certification to governor--Execution, delivery of deed.

See RCW 47.56.255.

RCW 47.12.302 Department of transportation--Sale of unneeded property.

See RCW 47.60.130.

RCW 47.12.320 Sale of property--Listing with broker.

The department may list any available properties with any licensed real estate broker at a commission rate otherwise charged in the geographic area for such services.

[1984 c 7 § 130; 1973 1st ex.s. c 177 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.330 Advanced environmental mitigation--Authorized.

For the purpose of environmental mitigation of transportation projects, the department may acquire or develop, or both acquire and develop, environmental mitigation sites in advance of the construction of programmed projects. The term "advanced environmental mitigation" means mitigation of adverse impacts upon the environment from transportation projects before their design and construction. Advanced environmental mitigation consists of the acquisition of property; the acquisition of property, water, or air rights; the development of property for the purposes of improved environmental management; engineering costs necessary for such purchase and development; and the use of advanced environmental mitigation sites to fulfill project environmental permit requirements. Advanced environmental mitigation must be conducted in a manner that is consistent with the definition of mitigation found in the council of environmental quality regulations (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands (EO 90-04). Advanced environmental mitigation is for projects approved by the transportation commission as part of the state's six-year plan or included in the state highway system plan. Advanced environmental mitigation must give consideration to activities related to

fish passage, fish habitat, wetlands, and flood management. Advanced environmental mitigation may also be conducted in partnership with federal, state, or local government agencies, tribal governments, interest groups, or private parties. Partnership arrangements may include joint acquisition and development of mitigation sites, purchasing and selling mitigation bank credits among participants, and transfer of mitigation site title from one party to another. Specific conditions of partnership arrangements will be developed in written agreements for each applicable environmental mitigation site.

[1998 c 181 § 2; 1997 c 140 § 2.]

Notes:

Findings--1998 c 181: "The legislature finds that fish passage, fish habitat, wetlands, and flood management are critical issues in the effective management of watersheds in Washington. The legislature also finds that the state of Washington invests a considerable amount of resources on environmental mitigation activities related to fish passage, fish habitat, wetlands, and flood management. The department of transportation's advanced environmental mitigation revolving account established under RCW 47.12.340, is a key funding component in bringing environmental mitigation together with comprehensive watershed management." [1998 c 181 § 1.]

Intent--1997 c 140: "It is the intent of chapter 140, Laws of 1997 to provide environmental mitigation in advance of the construction of programmed projects where desirable and feasible, [which] will provide a more efficient and predictable environmental permit process, increased benefits to environmental resources, and a key tool in using the watershed approach for environmental impact mitigation. The legislative transportation committee, through its adoption of the December 1994 report "Environmental Cost Savings and Permit Coordination Study," encourages state agencies to use a watershed approach based on a water resource inventory area in an improved environmental mitigation and permitting process. Establishment of an advanced transportation environmental mitigation revolving account would help the state to improve permit processes and environmental protection when providing transportation services." [1997 c 140 § 1.]

RCW 47.12.340 Advanced environmental mitigation revolving account.

The advanced environmental mitigation revolving account is created in the custody of the treasurer, into which the department shall deposit directly and may expend without appropriation:

- (1) An initial appropriation included in the department of transportation's 1997-99 budget, and deposits from other identified sources;
- (2) All moneys received by the department from internal and external sources for the purposes of conducting advanced environmental mitigation; and
- (3) Interest gained from the management of the advanced environmental mitigation revolving account.

[1997 c 140 § 3.]

Notes:

Intent--1997 c 140: See note following RCW 47.12.330.

RCW 47.12.350 Advanced environmental mitigation--Site management--Reimbursement of account.

(1) After advanced environmental mitigation is conducted from funds in the advanced environmental mitigation revolving account, the advanced environmental mitigation sites must be managed in accordance with any permits, agreements, or other legal documents under which the subject advanced environmental mitigation is conducted.

(2) When the department or any of its transportation partners proceeds with the construction of a transportation project that will use advanced environmental mitigation sites to meet the environmental mitigation needs of a project, the advanced environmental mitigation revolving account shall be reimbursed from those transportation project funds appropriated for the use of the advanced environmental mitigation sites. Reimbursements to the advanced environmental mitigation revolving account must be paid at a rate that captures:

(a) Projected land acquisition costs for environmental mitigation for the subject transportation project;

(b) Advanced environmental mitigation site development costs;

(c) Advanced environmental mitigation site operational costs (e.g., site monitoring);

(d) Administrative costs for the management of the advanced environmental revolving account.

These costs must be adjusted based on inflation, as appropriate.

When only a portion of an advanced environmental mitigation site is used, the reimbursement rate charged to the purchasing party will be prorated for the portion used.

[1997 c 140 § 4.]

Notes:

Intent--1997 c 140: See note following RCW 47.12.330.

RCW 47.12.360 Advanced environmental mitigation--Reports.

By January 1st of each odd-numbered year, the department shall report to the legislative transportation committee and the office of financial management:

(1) Which properties were purchased and why;

(2) Expenditures for the acquired parcels; and

(3) Estimated savings from these actions.

[1997 c 140 § 5.]

Notes:

Intent--1997 c 140: See note following RCW 47.12.330.

**Chapter 47.14 RCW
RIGHT OF WAY DONATIONS**

Sections

47.14.010 Legislative finding, intent.

47.14.020 Definitions.

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| 47.14.030 | Credit against transportation benefit district assessment. |
| 47.14.040 | Advertising signs on donated parcel. |
| 47.14.050 | Department's duties. |
| 47.14.900 | Construction. |
| 47.14.910 | Severability--1987 c 267. |

RCW 47.14.010 Legislative finding, intent.

The legislature finds that in numerous areas throughout the state, rapid expansion of residential, commercial, industrial, and business activities is producing increased traffic levels. The legislature further finds that many property owners have exhibited a willingness to donate real property or property rights for transportation improvements to accommodate such increases in traffic. The legislature recognizes that the cost of right of way acquisition is often a significant, and even a prohibitive cost element in many transportation improvement projects.

The legislature seeks to encourage the voluntary donation of right of way to the state, counties, cities, and towns for transportation improvements recognizing that such donations can result in direct benefits to property owners, developers, and the community at large.

It is the intent of the legislature to further facilitate the department of transportation's authority under RCW 47.12.010, 47.24.030, and 47.52.050 to accept donations of right of way for state transportation purposes. The legislature further intends to facilitate the authority of a city, town, or county to accept donations of right of way for other transportation purposes.

The legislature therefore declares it to be in the best interest and welfare of the citizens of Washington for the state department of transportation, and for counties, cities, and towns to actively foster and encourage donations of right of way by willing donors in all areas where transportation improvements are to be made. In addition, and in lieu of monetary compensation for property needed for right of way purposes, the legislature seeks to provide incentives to potential donors such as are set forth in RCW 47.14.030 and 47.14.040.

[1987 c 267 § 1.]

RCW 47.14.020 Definitions.

The definitions set forth in this section apply throughout this chapter.

(1) "Right of way" means the area of land designated for transportation purposes.

(2) "Airspace" means the space above and below the gradeline of all highways, roads, and streets, and the area alongside the traveled way and within approved right of way lines.

[1987 c 267 § 2.]

RCW 47.14.030 Credit against transportation benefit district assessment.

The governing body of a transportation benefit district may give credit for all or any portion of any real property donation against an assessment, charge, or other required financial

contribution for transportation improvements within a transportation benefit district established under RCW 36.73.020 or 35.21.225. The credit granted shall be available against any assessment, charge or other required financial contribution for any transportation purpose which utilizes the donated property.

[1987 c 267 § 3.]

RCW 47.14.040 Advertising signs on donated parcel.

The department or the county, city, or town to which the right of way is donated shall, upon request, grant the donor an airspace lease or a permit for the purpose of erecting or maintaining, or both, one or more signs advertising a business of the donor that is conducted on premises adjacent to the donated parcel unless the sign or signs would be detrimental to the safety and operation of the highway, road, or street. This provision applies to all highways, roads, and streets other than limited access highways and streets, where it applies only until the donated parcel becomes part of a completed operating facility. Except as provided in this section, any such sign shall conform to the requirements of all other applicable federal, state, and local laws and ordinances. The lease agreement or permit shall take into consideration applicable county and city zoning ordinances and may provide for compensation for removal of the sign in accordance with applicable federal, state, and local laws and ordinances. The lease agreement or permit shall specify the conditions for signage.

[1987 c 267 § 4.]

RCW 47.14.050 Department's duties.

The department shall:

- (1) Give priority to the refinement and modification of right of way procedures and policies dealing with donation;
- (2) Reduce or simplify paperwork requirements resulting from right of way procurement;
- (3) Increase communication and education efforts as a means to solicit and encourage voluntary right of way donations;
- (4) Enhance communication and coordination with local governments through agreements of understanding that address state acceptance of right of way donations secured under zoning, use permits, subdivision, and associated police power authority of local government.

[1998 c 245 § 96; 1987 c 267 § 5.]

RCW 47.14.900 Construction.

Nothing in this chapter may be construed to contravene the requirements of chapter 8.26 RCW.

[1987 c 267 § 6.]

RCW 47.14.910 Severability--1987 c 267.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1987 c 267 § 12.]

**Chapter 47.17 RCW
STATE HIGHWAY ROUTES**

Sections

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| 47.17.001 | Criteria for changes to system. |
| 47.17.005 | State route No. 2. |
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| 47.17.040 | State route No. 9. |
| 47.17.045 | State route No. 10. |
| 47.17.050 | State route No. 11. |
| 47.17.055 | State route No. 12. |
| 47.17.060 | State route No. 14. |
| 47.17.065 | State route No. 16. |
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| 47.17.100 | State route No. 24. |
| 47.17.105 | State route No. 25. |
| 47.17.110 | State route No. 26. |
| 47.17.115 | State route No. 27. |
| 47.17.120 | State route No. 28. |
| 47.17.130 | State route No. 31. |
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| 47.17.157 | State route No. 97-alternate. |
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| 47.17.225 | State route No. 121. |
| 47.17.227 | State route No. 122. |
| 47.17.230 | State route No. 123. |
| 47.17.235 | State route No. 124. |
| 47.17.240 | State route No. 125. |
| 47.17.250 | State route No. 127. |
| 47.17.255 | State route No. 128. |
| 47.17.260 | State route No. 129. |
| 47.17.262 | State route No. 131. |
| 47.17.275 | State route No. 141. |
| 47.17.280 | State route No. 142. |
| 47.17.285 | State route No. 150. |
| 47.17.295 | State route No. 153. |
| 47.17.300 | State route No. 155. |
| 47.17.305 | State route No. 160. |
| 47.17.310 | State route No. 161. |
| 47.17.315 | State route No. 162. |
| 47.17.317 | State route No. 163. |
| 47.17.320 | State route No. 164. |
| 47.17.325 | State route No. 165. |
| 47.17.328 | State route No. 166. |
| 47.17.330 | State route No. 167. |
| 47.17.335 | State route No. 168. |
| 47.17.340 | State route No. 169. |
| 47.17.345 | State route No. 170. |
| 47.17.350 | State route No. 171. |
| 47.17.355 | State route No. 172. |
| 47.17.360 | State route No. 173. |
| 47.17.365 | State route No. 174. |
| 47.17.370 | State route No. 181. |
| 47.17.372 | State route No. 182. |

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| 47.17.375 | State route No. 193. |
| 47.17.377 | State route No. 194. |
| 47.17.380 | State route No. 195. |
| 47.17.382 | State route No. 197. |
| 47.17.385 | State route No. 202. |
| 47.17.390 | State route No. 203. |
| 47.17.395 | State route No. 204. |
| 47.17.400 | State route No. 205. |
| 47.17.405 | State route No. 206. |
| 47.17.410 | State route No. 207. |
| 47.17.416 | State route No. 211. |
| 47.17.417 | State route No. 213. |
| 47.17.419 | State route No. 215. |
| 47.17.425 | State route No. 221. |
| 47.17.430 | State route No. 223. |
| 47.17.435 | State route No. 224. |
| 47.17.436 | State route No. 225. |
| 47.17.440 | State route No. 230. |
| 47.17.445 | State route No. 231. |
| 47.17.455 | State route No. 240. |
| 47.17.460 | State route No. 241. |
| 47.17.465 | State route No. 243. |
| 47.17.475 | State route No. 260. |
| 47.17.480 | State route No. 261. |
| 47.17.481 | State route No. 262. |
| 47.17.482 | State route No. 263. |
| 47.17.485 | State route No. 270. |
| 47.17.490 | State route No. 271. |
| 47.17.495 | State route No. 272. |
| 47.17.500 | State route No. 274. |
| 47.17.502 | State route No. 276. |
| 47.17.503 | State route No. 278. |
| 47.17.505 | State route No. 281. |
| 47.17.510 | State route No. 282. |
| 47.17.515 | State route No. 283. |
| 47.17.517 | State route No. 285. |
| 47.17.520 | State route No. 290. |
| 47.17.525 | State route No. 291. |
| 47.17.530 | State route No. 292. |
| 47.17.540 | State route No. 300. |
| 47.17.545 | State route No. 302. |
| 47.17.550 | State route No. 303. |
| 47.17.556 | State route No. 304. |
| 47.17.560 | State route No. 305. |
| 47.17.566 | State route No. 307. |
| 47.17.567 | State route No. 308. |
| 47.17.569 | State route No. 310. |
| 47.17.571 | State route No. 339. |
| 47.17.575 | State route No. 395. |
| 47.17.577 | State route No. 397. |

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| 47.17.580 | State route No. 401. |
| 47.17.595 | State route No. 405. |
| 47.17.605 | State route No. 409. |
| 47.17.610 | State route No. 410. |
| 47.17.615 | State route No. 411. |
| 47.17.625 | State route No. 432. |
| 47.17.630 | State route No. 433. |
| 47.17.635 | State route No. 500. |
| 47.17.640 | State route No. 501--Erwin O. Rieger Memorial Highway. |
| 47.17.645 | State route No. 502. |
| 47.17.650 | State route No. 503. |
| 47.17.655 | State route No. 504--Spirit Lake Memorial Highway. |
| 47.17.660 | State route No. 505. |
| 47.17.665 | State route No. 506. |
| 47.17.670 | State route No. 507. |
| 47.17.675 | State route No. 508. |
| 47.17.680 | State route No. 509. |
| 47.17.685 | State route No. 510. |
| 47.17.690 | State route No. 512. |
| 47.17.695 | State route No. 513. |
| 47.17.705 | State route No. 515. |
| 47.17.710 | State route No. 516. |
| 47.17.715 | State route No. 518. |
| 47.17.717 | State route No. 519. |
| 47.17.720 | State route No. 520. |
| 47.17.725 | State route No. 522. |
| 47.17.727 | State route No. 523. |
| 47.17.730 | State route No. 524. |
| 47.17.735 | State route No. 525. |
| 47.17.740 | State route No. 526. |
| 47.17.745 | State route No. 527. |
| 47.17.750 | State route No. 528. |
| 47.17.752 | State route No. 529. |
| 47.17.755 | State route No. 530. |
| 47.17.757 | State route No. 531. |
| 47.17.760 | State route No. 532. |
| 47.17.765 | State route No. 534. |
| 47.17.770 | State route No. 536. |
| 47.17.780 | State route No. 538. |
| 47.17.785 | State route No. 539. |
| 47.17.795 | State route No. 542. |
| 47.17.797 | State route No. 543. |
| 47.17.800 | State route No. 544. |
| 47.17.805 | State route No. 546. |
| 47.17.806 | State route No. 547. |
| 47.17.807 | State route No. 548. |
| 47.17.808 | State route No. 599. |
| 47.17.815 | State route No. 702. |
| 47.17.819 | State route No. 705. |
| 47.17.820 | State route No. 706--Road to Paradise. |

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| 47.17.821 | State route No. 730. |
| 47.17.823 | State route No. 821. |
| 47.17.824 | State route No. 823. |
| 47.17.825 | State route No. 900. |
| 47.17.835 | State route No. 902. |
| 47.17.840 | State route No. 903. |
| 47.17.845 | State route No. 904. |
| 47.17.850 | State route No. 906. |
| 47.17.855 | State route No. 908. |
| 47.17.917 | State route No. 970. |
| 47.17.919 | State route No. 971. |
| 47.17.960 | Local bridges--Department responsibility. |
| 47.17.990 | Construction--Refunds to counties composed of islands. |

Notes:

Latitude in selecting route: RCW 47.28.010.

RCW 47.17.001 Criteria for changes to system.

In considering whether to make additions, deletions, or other changes to the state highway system, the legislature shall be guided by the following criteria as contained in the Road Jurisdiction Committee Phase I report to the legislature dated January 1987:

(1) A rural highway route should be designated as a state highway if it meets any of the following criteria:

(a) Is designated as part of the national system of interstate and defense highways (popularly called the interstate system); or

(b) Is designated as part of the system of numbered United States routes; or

(c) Contains an international border crossing that is open twelve or more hours each day.

(2) A rural highway route may be designated as a state highway if it is part of an integrated system of roads and:

(a) Carries in excess of three hundred thousand tons annually and provides primary access to a rural port or intermodal freight terminal;

(b) Provides a major cross-connection between existing state highways;

(c) Connects places exhibiting one or more of the following characteristics:

(i) A population center of one thousand or greater;

(ii) An area or aggregation of areas having a population equivalency of one thousand or more, such as, but not limited to, recreation areas, military installations, and so forth;

(iii) A county seat;

(iv) A major commercial-industrial terminal in a rural area with a population equivalency of one thousand or greater; or

(d) Is designated as a scenic and recreational highway.

(3) An urban highway route that meets any of the following criteria should be designated as part of the state highway system:

(a) Is designated as part of the interstate system;

(b) Is designated as part of the system of numbered United States routes;

(c) Is an urban extension of a rural state highway into or through an urban area and is necessary to form an integrated system of state highways;

(d) Is a principal arterial that is a connecting link between two state highways and serves regionally oriented through traffic in urbanized areas with a population of fifty thousand or greater, or is a spur that serves regionally oriented traffic in urbanized areas.

(4) The following guidelines are intended to be used as a basis for interpreting and applying the criteria to specific routes:

(a) For any route wholly within one or more contiguous jurisdictions which would be proposed for transfer to the state highway system under these criteria, if local officials prefer, responsibility will remain at the local level.

(b) State highway routes maintain continuity of the system by being composed of routes that join other state routes at both ends or to arterial routes in the states of Oregon and Idaho and the Province of British Columbia.

(c) Public facilities may be considered to be served if they are within approximately two miles of a state highway.

(d) Exceptions may be made to include:

(i) Rural spurs as state highways if they meet the criteria relative to serving population centers of one thousand or greater population or activity centers with population equivalencies or an aggregated population of one thousand or greater;

(ii) Urban spurs as state highways that provide needed access to Washington state ferry terminals, state parks, major seaports, and trunk airports; and

(iii) Urban connecting links as state highways that function as needed bypass routing of regionally oriented through traffic and benefit truck routing, capacity alternative, business congestion, and geometric deficiencies.

(e) In urban and urbanized areas:

(i) Unless they are significant regional traffic generators, public facilities such as state hospitals, state correction centers, state universities, ferry terminals, and military bases do not constitute a criteria for establishment of a state highway; and

(ii) There may be no more than one parallel nonaccess controlled facility in the same corridor as a freeway or limited access facility as designated by the metropolitan planning organization.

(f) When there is a choice of two or more routes between population centers, the state route designation shall normally be based on the following considerations:

(i) The ability to handle higher traffic volumes;

(ii) The higher ability to accommodate further development or expansion along the existing alignment;

(iii) The most direct route and the lowest travel time;

(iv) The route that serves traffic with the most interstate, state-wide, and interregional significance;

(v) The route that provides the optimal spacing between other state routes; and

(vi) The route that best serves the comprehensive plan for community development in

those areas where such a plan has been developed and adopted.

(g) A route designated in chapter 47.39 RCW as a scenic and recreational highway may be designated as a state highway in addition to a parallel state highway route.

[1993 c 430 § 1; 1990 c 233 § 1.]

RCW 47.17.005 State route No. 2.

A state highway to be known as state route number 2 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence easterly by way of Monroe, Stevens Pass, and Leavenworth to a junction with state route number 97 in the vicinity of Peshastin; also

From a junction with state route number 97 in the vicinity of Peshastin, thence easterly by way of Wenatchee, to a junction with state route number 97 in the vicinity of Orondo, thence easterly by way of Waterville, Wilbur, and Davenport to a junction with state route number 90 in the vicinity west of Spokane; also

Beginning at a junction with state route number 90 at Spokane, thence northerly to a junction with state route number 395 in the vicinity north of Spokane; also

From a junction with state route number 395 in the vicinity north of Spokane, thence northerly to a junction with state route number 20 at Newport; also

From a junction with state route number 20 at Newport, thence easterly to the Washington-Idaho boundary line.

[1997 c 155 § 1; 1987 c 199 § 1; 1970 ex.s. c 51 § 2.]

Notes:

Purpose--1970 ex.s. c 51: "This act is intended to assign state route numbers to existing state highways duly established by prior legislative act in lieu of primary state highway numbers and secondary state highway numbers. Nothing contained herein is intended to add any new section of highway to the state highway system or delete any section of highway from the state highway system." [1970 ex.s. c 51 § 179.] For codification of 1970 ex.s. c 51, see Codification Tables, Volume 0.

RCW 47.17.010 State route No. 3.

A state highway to be known as state route number 3 is established as follows:

Beginning at a junction with state route number 101 at Shelton, thence northeasterly to a junction with state route number 302 at Allyn; also

From that junction with state route number 302 at Allyn, thence northeasterly to a junction with state route number 106 in the vicinity of Belfair; also

From that junction with state route number 106 in the vicinity of Belfair, thence northeasterly by the most feasible route to Bremerton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to a junction with state route number 104 in the vicinity of Port Gamble.

[1970 ex.s. c 51 § 3.]

RCW 47.17.015 State route No. 4.

A state highway to be known as state route number 4 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence southeasterly by the most feasible route by way of Kelso to a junction with state route number 5.

[1970 ex.s. c 51 § 4.]

RCW 47.17.020 State route No. 5.

A state highway to be known as state route number 5 is established as follows:

Beginning at the Washington-Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county.

[1970 ex.s. c 51 § 5.]

RCW 47.17.025 State route No. 6.

A state highway to be known as state route number 6 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence easterly by the most feasible route to a junction with state route number 5 at Chehalis.

[1970 ex.s. c 51 § 6.]

RCW 47.17.030 State route No. 7.

A state highway to be known as state route number 7 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Morton, thence northerly to a junction with state route number 706 at Elbe; also

From that junction with state route number 706 at Elbe, thence northerly to a junction with state route number 5 at Tacoma.

[1970 ex.s. c 51 § 7.]

RCW 47.17.035 State route No. 8.

A state highway to be known as state route number 8 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 west of Olympia.

[1987 c 199 § 2; 1970 ex.s. c 51 § 8.]

RCW 47.17.040 State route No. 9.

A state highway to be known as state route number 9 is established as follows:

Beginning at a junction with state route number 522 north of Woodinville, thence northerly by way of Snohomish, Arlington and Sedro Woolley to a junction with state route number 542, in the vicinity of Deming; also

Beginning at a junction with state route number 542, in the vicinity of Lawrence, thence northerly to the international boundary at Sumas.

[1970 ex.s. c 51 § 9.]

RCW 47.17.045 State route No. 10.

A state highway to be known as state route number 10 is established as follows:

Beginning at a junction with state route number 970 at Teanaway junction thence easterly to a junction with state route number 97 west of Ellensburg.

[1987 c 199 § 3; 1975 c 63 § 14; 1971 ex.s. c 73 § 1; 1970 ex.s. c 51 § 10.]

RCW 47.17.050 State route No. 11.

A state highway to be known as state route number 11 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Burlington, thence northerly by way of Blanchard to a junction with state route number 5 at Bellingham.

[1987 c 199 § 4; 1970 ex.s. c 51 § 11.]

RCW 47.17.055 State route No. 12.

A state highway to be known as state route number 12 is established as follows:

Beginning at a junction with state route number 101 at Aberdeen, thence easterly by way of Montesano and Elma to a junction with state route number 8 in the vicinity of Elma; also

From that junction with state route number 8 in the vicinity of Elma, thence southeasterly to a junction with state route number 5 in the vicinity north of Centralia; also

Beginning at a junction with state route number 5 in the vicinity south of Chehalis, thence easterly by way of Morton and White Pass to a junction with state route number 410 northwest of Yakima; also

From that junction with state route number 410 northwest of Yakima, thence southeasterly to a junction with state route number 82 at Yakima; also

Beginning at a junction with state route number 182 near Pasco, thence southeasterly by the most feasible route by way of Wallula to Walla Walla, thence northerly by way of Dayton to a junction with state route number 127 at Dodge; also

From that junction with state route number 127 in the vicinity of Dodge, thence easterly by the most feasible route by way of Pomeroy and Clarkston to the Washington-Idaho boundary

line.

[1985 c 177 § 1; 1983 c 180 § 1; 1970 ex.s. c 51 § 12.]

RCW 47.17.060 State route No. 14.

A state highway to be known as state route number 14 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence easterly by way of Stevenson to a junction with state route number 97 in the vicinity of Maryhill; also

Beginning at a junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a junction with state route number 82 in the vicinity of Plymouth.

[1985 c 177 § 2; 1970 ex.s. c 51 § 13.]

RCW 47.17.065 State route No. 16.

A state highway to be known as state route number 16 is established as follows:

Beginning at a junction with state route number 5 at Tacoma, thence northwesterly by way of the Tacoma Narrows Bridge to a junction with state route number 3 in the vicinity of Gorst.

[1987 c 199 § 5; 1973 1st ex.s. c 151 § 1; 1970 ex.s. c 51 § 14.]

RCW 47.17.070 State route No. 17.

A state highway to be known as state route number 17 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Mesa, thence northwesterly by way of the vicinity of Moses Lake, and Soap Lake, to a junction with state route number 2 west of Coulee City; also

From a junction with state route number 2 in the vicinity west of Coulee City, thence northerly by way of the vicinity of Leahy, crossing the Columbia river in the vicinity of Bridgeport, thence northwesterly to a junction with state route number 97 east of Brewster.

[1979 ex.s. c 33 § 1; 1970 ex.s. c 51 § 15.]

RCW 47.17.075 State route No. 18.

A state highway to be known as state route number 18 is established as follows:

Beginning at a junction with state route number 99 in the vicinity of northeast Tacoma, thence northeasterly by way of Auburn to a junction with state route number 90 west of North Bend.

[1987 c 199 § 6; 1970 ex.s. c 51 § 16.]

RCW 47.17.077 State route No. 19.

A state highway to be known as state route number 19 is established as follows:

Beginning at a junction with state route number 104, thence northerly to a junction with state route number 20 near Old Fort Townsend state park.

[1991 c 342 § 1.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.080 State route No. 20.

A state highway to be known as state route number 20 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Discovery Bay, thence northeasterly via the most feasible route to Port Townsend; also

From the state ferry terminal at Port Townsend via the state ferry system northeasterly to the state ferry terminal at Keystone; also

From the Keystone ferry dock on Whidbey Island, thence northeasterly by the most feasible route by way of Deception Pass, Burlington, Sedro Woolley, Concrete, Newhalem, Winthrop, Twisp, Okanogan, Tonasket, Republic, Kettle Falls, Colville, and Tiger; thence southerly and southeasterly to a junction with state route number 2 at Newport.

[1994 c 209 § 1; 1973 1st ex.s. c 151 § 13; 1970 ex.s. c 51 § 17.]

RCW 47.17.081 State route No. 20 north.

A state highway to be known as state route number 20 north is established as follows:

Beginning at a junction with state route number 20 in the vicinity southeast of Anacortes, thence northwesterly to the state ferry terminal at Anacortes; also

From the state ferry terminal at Anacortes via the state ferry system to the state ferry terminals at Lopez Island, Shaw Island, Orcas Island, and Friday Harbor.

[1994 c 209 § 2; 1973 1st ex.s. c 151 § 17.]

RCW 47.17.085 State route No. 21.

A state highway to be known as state route number 21 is established as follows:

Beginning at a junction with state route number 260 in Kahlotus, thence northerly by the most feasible route, crossing state route number 26, and continuing northerly to a junction with state route number 395 in the vicinity of Lind; also

Beginning at a junction with state route number 395 in the vicinity of Lind, thence northerly by the most feasible route by way of Odessa to a junction with state route number 2 in the vicinity west of Wilbur; also

Beginning at a junction with state route number 2 at Wilbur, thence northerly by the most feasible route to a junction with state route number 20 at Republic; also

Beginning at a junction with state route number 20 east of Republic, thence northeasterly by the most feasible route to the east of Curlew lake by way of Curlew to the international

boundary line in the vicinity of Danville.

[1983 c 79 § 1; 1975 c 63 § 1; 1970 ex.s. c 51 § 18.]

RCW 47.17.090 State route No. 22.

A state highway to be known as state route number 22 is established as follows:

Beginning at a junction with state route number 82, thence southerly to a junction of state route number 97 in the vicinity of Toppenish; also

From a junction with state route number 97 at Toppenish, thence southeasterly by way of Mabton to a junction with state route number 82 at Prosser.

[1987 c 199 § 7; 1970 ex.s. c 51 § 19.]

RCW 47.17.095 State route No. 23.

A state highway to be known as state route number 23 is established as follows:

Beginning at a junction with state route number 195 in the vicinity north of Colfax, thence northwesterly to a junction with state route number 90 at Sprague; also

From that junction with state route number 90 at Sprague, thence northwesterly to a junction with state route number 28 at Harrington.

[1987 c 199 § 8; 1970 ex.s. c 51 § 20.]

RCW 47.17.100 State route No. 24.

A state highway to be known as state route number 24 is established as follows:

Beginning at a junction with state route number 82 at Yakima, thence easterly and northerly via Cold Creek and Vernita to a junction with state route number 26 in the vicinity of Othello.

[1970 ex.s. c 51 § 21.]

RCW 47.17.105 State route No. 25.

A state highway to be known as state route number 25 is established as follows:

Beginning at a junction with state route number 2 at Davenport, thence northerly by the most feasible route to a junction with state route number 395 in the vicinity of Kettle Falls, thence northeasterly by the most feasible route to international boundary line.

[1970 ex.s. c 51 § 22.]

RCW 47.17.110 State route No. 26.

A state highway to be known as state route number 26 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of the east end of the

Vantage bridge, thence southerly, parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly to the vicinity of Othello, thence easterly to a junction with state route number 395, thence easterly by way of the vicinity of Washtucna and Dusty to a junction with state route number 195 in the vicinity of Colfax.

[1979 ex.s. c 33 § 2; 1970 ex.s. c 51 § 23.]

RCW 47.17.115 State route No. 27.

A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number 195 in the vicinity of Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence northerly by way of Tekoa, Latah, Fairfield, and Rockford to a junction with state route number 290 in the vicinity of Millwood.

[1991 c 342 § 2; 1979 ex.s. c 195 § 1; 1975 c 63 § 2; 1970 ex.s. c 51 § 24.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.120 State route No. 28.

A state highway to be known as state route number 28 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Wenatchee, thence southeasterly to a junction with state route number 281 at Quincy; also

From that junction with state route number 281 at Quincy, thence easterly by way of Ephrata and Odessa to a junction with state route number 2 at Davenport.

[1970 ex.s. c 51 § 25.]

RCW 47.17.130 State route No. 31.

A state highway to be known as state route number 31 is established as follows:

Beginning at a junction with state route number 20 at Tiger, thence northerly by way of Metaline Falls to the international boundary.

[1973 1st ex.s. c 151 § 14; 1970 ex.s. c 51 § 27.]

RCW 47.17.132 State route No. 35.

A state highway to be known as state route number 35 is established as follows:

Beginning at the Washington-Oregon boundary line thence northerly to a junction with state route number 14 in the vicinity of White Salmon; however, until such time as a bridge across the Columbia River is constructed at a location adopted by the transportation commission no existing route may be maintained or improved by the transportation commission as a temporary route for state route number 35.

[1997 c 308 § 1.]

RCW 47.17.133 State route No. 41.

A state highway to be known as state route number 41 is established as follows:

Beginning at a junction with state route number 2 in Newport, thence southerly along the Washington-Idaho boundary line to Fourth Street in Newport.

[1997 c 155 § 2.]

RCW 47.17.135 State route No. 82.

A state highway to be known as state route number 82 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly and easterly by way of Yakima, Union Gap, Sunnyside, Prosser, Kiona, and Goose Gap west of Richland, thence southeasterly near Kennewick and southwesterly by way of the vicinity of Plymouth to a crossing of the Columbia river at the Washington-Oregon boundary line.

[1979 ex.s. c 33 § 3; 1970 ex.s. c 51 § 28.]

RCW 47.17.140 State route No. 90--American Veterans Memorial Highway.

A state highway to be known as state route number 90 and designated as the American Veterans Memorial Highway is established as follows:

Beginning at a junction with state route number 5, thence, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line.

[1991 c 56 § 2; 1971 ex.s. c 73 § 2; 1970 ex.s. c 51 § 29.]

Notes:

Purpose--1991 c 56: "In order to create a great memorial and tribute to American veterans, it is proposed that the Washington state portion of Interstate 90 be renamed in their honor, to become the westernmost portion of a memorial highway reaching across the United States." [1991 c 56 § 1.]

RCW 47.17.145 State route No. 92.

A state highway to be known as state route number 92 is established as follows:

Beginning at a junction with state route number 9 northeast of Everett, thence northeasterly by the most feasible route to Granite Falls.

[1970 ex.s. c 51 § 30.]

RCW 47.17.153 State route No. 96.

A state highway to be known as state route number 96 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence easterly to a junction with state route number 9 in the vicinity of Ree's Corner.

[1991 c 342 § 3.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.155 State route No. 97.

A state highway to be known as state route number 97 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river at Biggs Rapids, thence in a northerly direction to the junction with state route number 14 in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence northeasterly by way of Swauk Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity north of Orondo, thence northerly by way of the vicinities of Chelan, Pateros, Brewster, Okanogan, and Oroville to the international boundary line.

[1987 c 199 § 9; 1984 c 7 § 131; 1975 c 63 § 3; 1973 1st ex.s. c 151 § 2; 1970 ex.s. c 51 § 32.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.157 State route No. 97-alternate.

A state highway to be known as state route number 97-alternate is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Olds, thence northerly by way of Entiat to a junction with state route number 97 in the vicinity east of Chelan.

[1987 c 199 § 10.]

RCW 47.17.160 State route No. 99.

A state highway to be known as state route number 99 is established as follows:

Beginning at a junction with state route number 18 in the vicinity of Federal Way, thence northerly by way of Midway, Seattle, Edmonds, and Lynnwood to a junction with state route number 5 in Everett: PROVIDED, That until state route number 509 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 705 in

Tacoma via the Port of Tacoma industrial area to a junction with state route number 18 in the vicinity of Federal Way that portion of state route number 99 between state route number 5 at Fife and state route number 18 in the vicinity of Federal Way shall remain on the state highway system.

[1979 ex.s. c 33 § 4; 1971 ex.s. c 73 § 3; 1970 ex.s. c 51 § 33.]

RCW 47.17.163 State route No. 100.

A state highway to be known as state route number 100 is established as follows:

Beginning at a junction with state route number 101 in Ilwaco, thence westerly and southerly to Fort Canby state park; also

Beginning at a junction with state route number 100 in Ilwaco, thence southerly to Fort Canby state park.

[1991 c 342 § 4.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.165 State route No. 101.

A state highway to be known as state route number 101 is established as follows:

Beginning at the Oregon boundary on the interstate bridge at Point Ellis, thence northwesterly by way of Ilwaco to a junction with state route number 4 in the vicinity of a location known as Johnson's Landing in Pacific county; also

From that junction with state route number 4 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence northerly by way of South Bend to a junction with state route number 6 at Raymond; also

From that junction with state route number 6 at Raymond, thence northerly by way of Cosmopolis to a junction with state route number 12 at Aberdeen; also

From that junction with state route number 12 at Aberdeen, thence westerly to Hoquiam, thence northwesterly by way of Lake Quinalt to Forks, thence easterly by way of Port Angeles to the vicinity of Discovery Bay, thence southerly by way of Shelton to a junction with state route number 5 in the vicinity west of Olympia; also

Beginning at a junction with state route number 101 in the vicinity east of Ilwaco, thence northerly to a junction with state route number 101 in the vicinity northeast of Ilwaco.

[1987 c 199 § 11; 1970 ex.s. c 51 § 34.]

RCW 47.17.168 State route No. 102.

A state highway to be known as state route number 102 is established as follows:

Beginning at the Washington Corrections Center, thence northeasterly to a junction of state route number 101 north of Shelton.

Before award of any construction contract for improvements to state route number 102

under either program A or program C, the department of transportation shall secure a portion of the construction cost from Mason county.

[1984 c 197 § 1.]

RCW 47.17.170 State route No. 103.

A state highway to be known as state route number 103 is established as follows:

Beginning at a junction with state route number 101 at Seaview, thence northerly by way of Long Beach to Leadbetter Point state park.

[1991 c 342 § 5; 1970 ex.s. c 51 § 35.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.175 State route No. 104.

A state highway to be known as state route number 104 is established as follows:

Beginning at a junction with state route number 101 in the vicinity south of Discovery Bay, thence southeasterly to the vicinity of Shine on Hood Canal, thence crossing Hood Canal to a junction with state route number 3 in the vicinity of Port Gamble; also

From that junction with state route number 3 in the vicinity of Port Gamble, thence to Port Gamble, thence southerly and easterly to the state ferry terminal at Kingston; also

From the state ferry terminal at Kingston via the state ferry system easterly to the state ferry terminal at Edmonds; also

From the state ferry terminal at Edmonds, thence southeasterly to a junction with state route number 99 in the vicinity of the Snohomish-King county line; also

Beginning at a junction with state route number 99 in the vicinity of the Snohomish-King county line, thence southeasterly to a junction with state route number 522 in the vicinity of Lake Forest Park.

[1994 c 209 § 3; 1970 ex.s. c 51 § 36.]

RCW 47.17.180 State route No. 105.

A state highway to be known as state route number 105 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence westerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen.

[1987 c 199 § 12; 1970 ex.s. c 51 § 37.]

RCW 47.17.185 State route No. 106.

A state highway to be known as state route number 106 is established as follows:

Beginning at a junction with state route number 101 near the mouth of the Skokomish river, thence northeasterly along the southeast shore of Hood Canal to a junction with state route number 3 in the vicinity of Belfair.

[1970 ex.s. c 51 § 38.]

RCW 47.17.190 State route No. 107.

A state highway to be known as state route number 107 is established as follows:

Beginning at a junction with state route number 101 north of Artic, thence northeasterly to a junction with state route number 12 at Montesano.

[1970 ex.s. c 51 § 39.]

RCW 47.17.195 State route No. 108.

A state highway to be known as state route number 108 is established as follows:

Beginning at a junction with state route number 8 in the vicinity west of McCleary, thence northeasterly to a junction with state route number 101 south of Shelton.

[1973 1st ex.s. c 151 § 3; 1970 ex.s. c 51 § 40.]

RCW 47.17.200 State route No. 109.

A state highway to be known as state route number 109 is established as follows:

Beginning at a junction with state route number 101 in Hoquiam, thence northwesterly by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets; also a bypass beginning at a junction with state route number 101 in the vicinity of the north city limits of Hoquiam, thence southerly to a junction with state route number 109 in the vicinity of the west city limits of Hoquiam.

[1983 c 180 § 2; 1970 ex.s. c 51 § 41.]

Notes:

Quinalt Tribal Highway: RCW 47.20.710.

RCW 47.17.212 State route No. 110.

A state highway to be known as state route number 110 is established as follows:

Beginning at a junction with state route number 101 in the vicinity north of Forks, thence westerly to the Olympic national park boundary in the vicinity of La Push; also

Beginning at a junction with state route number 110 near the Quillayute river, thence westerly to the Olympic national park boundary in the vicinity of Moro.

[1991 c 342 § 6.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.215 State route No. 112.

A state highway to be known as state route number 112 is established as follows:

Beginning at the easterly boundary of the Makah Indian Reservation, thence easterly by way of Clallam Bay and Pysht to a junction with state route number 101 in or near Port Angeles.

[1971 ex.s. c 73 § 5; 1970 ex.s. c 51 § 44.]

RCW 47.17.216 State route No. 113.

A state highway to be known as state route number 113 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Sappho, thence northerly to a junction with state route number 112 in the vicinity of the Pysht River.

[1991 c 342 § 7.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.217 State route No. 115.

A state highway to be known as state route number 115 is established as follows:

Beginning at Ocean Shores thence in an easterly and northerly direction by the most feasible route to a junction with state route number 109 in the vicinity south of Ocean City.

[1973 c 60 § 1.]

RCW 47.17.219 State route No. 116.

A state highway to be known as state route number 116 is established as follows:

Beginning at a junction with state route number 19 in the vicinity of Irondale, thence easterly and northerly to Fort Flagler state park.

[1991 c 342 § 8.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.221 State route No. 117.

A state highway to be known as state route number 117 is established as follows:

Beginning at a junction with state route number 101 in Port Angeles, thence northerly to the port of Port Angeles at Marine Drive.

[1991 c 342 § 9.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.223 State route No. 119.

A state highway to be known as state route number 119 is established as follows:

Beginning at a junction with state route number 101 near Hoodspport, thence northwesterly to the Mount Rose development intersection.

[1991 c 342 § 10.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.225 State route No. 121.

A state highway to be known as state route number 121 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Maytown, thence easterly, northerly, and westerly by way of Millersylvania state park to a junction with state route number 5 south of Tumwater.

[1991 c 342 § 11; 1970 ex.s. c 51 § 46.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.227 State route No. 122.

A state highway to be known as state route number 122 is established as follows:

Beginning at a junction with state route number 12 near Mayfield dam, thence northeasterly and southerly by way of Mayfield to a junction with state route number 12 in Mossyrock.

[1991 c 342 § 12.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.230 State route No. 123.

A state highway to be known as state route number 123 is established as follows:

Beginning at a junction with state route number 12 in the vicinity west of White Pass, thence northerly to a junction with state route number 410 in the vicinity west of Chinook Pass.

[1970 ex.s. c 51 § 47.]

RCW 47.17.235 State route No. 124.

A state highway to be known as state route number 124 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Burbank, thence northeasterly by the most feasible route to a point in the vicinity of Eureka, thence easterly by the most feasible route to a junction with state route number 125 in the vicinity of Prescott, thence easterly to a junction with state route number 12 in the vicinity northeast of Waitsburg.

That portion of state route number 124 lying between the junction with state route number 12 and the county road to Ice Harbor Dam to be known as "Ice Harbor Drive".

[1973 1st ex.s. c 151 § 4; 1970 ex.s. c 51 § 48.]

RCW 47.17.240 State route No. 125.

A state highway to be known as state route number 125 is established as follows:

Beginning at the Washington-Oregon boundary line south of Walla Walla, thence northerly to a junction with state route number 12 at Walla Walla; also

From a junction with state route number 12 at Walla Walla, thence northerly to a junction with state route number 124 at Prescott.

[1979 ex.s. c 33 § 5; 1970 ex.s. c 51 § 49.]

RCW 47.17.250 State route No. 127.

A state highway to be known as state route number 127 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Dodge, thence northerly to a junction with state route number 26 in the vicinity of Dusty.

[1979 ex.s. c 33 § 6; 1970 ex.s. c 51 § 51.]

RCW 47.17.255 State route No. 128.

A state highway to be known as state route number 128 is established as follows:

Beginning at a junction with state route number 12 in Clarkston, thence northeasterly and easterly by way of the Red Wolf crossing to the Idaho state line.

[1991 c 342 § 13; 1990 c 108 § 1; 1970 ex.s. c 51 § 52.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.260 State route No. 129.

A state highway to be known as state route number 129 is established as follows:

Beginning at the Washington-Oregon boundary line in Asotin county, thence northerly by the most feasible route by way of Asotin to a junction with state route number 12 at Clarkston.

[1970 ex.s. c 51 § 53.]

RCW 47.17.262 State route No. 131.

A state highway to be known as state route number 131 is established as follows:

Beginning at the Gifford Pinchot national forest boundary south of Randle, thence northerly to a junction with state route number 12 in Randle.

[1991 c 342 § 14.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.275 State route No. 141.

A state highway to be known as state route number 141 is established as follows:

Beginning at a wye junction with state route number 14, the west branch in the vicinity east of Underwood and the east branch in the vicinity of White Salmon, thence northerly to the boundary of the Gifford Pinchot National Forest.

[1970 ex.s. c 51 § 56.]

RCW 47.17.280 State route No. 142.

A state highway to be known as state route number 142 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Lyle, thence northeasterly by way of Klickitat to a junction with state route number 97 in the vicinity of Goldendale.

[1970 ex.s. c 51 § 57.]

RCW 47.17.285 State route No. 150.

A state highway to be known as state route number 150 is established as follows:

Beginning at Manson, thence southeasterly to the north of Lake Chelan to a junction with state route number 97-alternate at Chelan.

Also beginning at a junction with state route number 97-alternate at Chelan southerly to a junction with state route number 97 in the vicinity of Chelan Station.

[1987 c 199 § 13; 1970 ex.s. c 51 § 58.]

RCW 47.17.295 State route No. 153.

A state highway to be known as state route number 153 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Pateros, thence northerly and westerly by the most feasible route to a junction with state route number 20 in the vicinity south of Twisp.

[1970 ex.s. c 51 § 60.]

RCW 47.17.300 State route No. 155.

A state highway to be known as state route number 155 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northeasterly to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at the boundary of the federal reservation at the Grand Coulee dam, thence

northwesterly by the most feasible route by way of Nespelem and Disautel to a junction with state route number 97 at Omak; also

Beginning at a junction with state route number 155 at Omak, thence northwesterly crossing the Okanogan river to a junction with state route number 215 at Omak.

[1975 c 63 § 4; 1970 ex.s. c 51 § 61.]

RCW 47.17.305 State route No. 160.

A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 in the vicinity south of Port Orchard, thence easterly on Sedgwick Road to the Washington state ferry dock at Point Southworth; also

From the state ferry terminal at Point Southworth via the state ferry system easterly to the state ferry terminal at Vashon Heights; also

From the state ferry terminal at Vashon Heights easterly via the state ferry system to the state ferry terminal at Fauntleroy.

[1994 c 209 § 4; 1993 c 430 § 2; 1970 ex.s. c 51 § 62; (1991 c 342 § 15 repealed by 1992 c 166 § 31).]

RCW 47.17.310 State route No. 161.

A state highway to be known as state route number 161 is established as follows:

Beginning at a junction with state route number 7 in the vicinity of La Grande, thence northeasterly via Eatonville to Puyallup, thence northerly to a junction with state route number 18.

That portion of state route 161 within King county shall be designated Enchanted Parkway.

[1987 c 520 § 1; 1971 ex.s. c 73 § 6; 1970 ex.s. c 51 § 63.]

RCW 47.17.315 State route No. 162.

A state highway to be known as state route number 162 is established as follows:

Beginning at a junction with state route number 410 at Sumner, thence southerly to Orting, thence northeasterly to a junction with state route number 165 in the vicinity south of Buckley.

[1975 c 63 § 5; 1971 ex.s. c 73 § 7; 1970 ex.s. c 51 § 64.]

RCW 47.17.317 State route No. 163.

A state highway to be known as state route number 163 is established as follows:

Beginning at a junction with state route number 16 in Tacoma, thence northerly to the Point Defiance ferry terminal; also

From the state ferry terminal at Point Defiance via the state ferry system northerly to the

state ferry terminal at Tahlequah.

[1994 c 209 § 5; 1991 c 342 § 16.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.320 State route No. 164.

A state highway to be known as state route number 164 is established as follows:

Beginning at a junction with state route number 18 in the vicinity of Auburn, thence southeasterly to a junction with state route number 410 at Enumclaw.

[1987 c 199 § 14; 1970 ex.s. c 51 § 65.]

RCW 47.17.325 State route No. 165.

A state highway to be known as state route number 165 is established as follows:

Beginning at the northwest entrance to Mt. Rainier National Park, thence northerly to a junction with state route number 410 at Buckley.

[1970 ex.s. c 51 § 66.]

RCW 47.17.328 State route No. 166.

A state highway to be known as state route number 166 is established as follows:

Beginning at a junction with state route number 16 in the vicinity west of Port Orchard, thence northeasterly to the eastern Port Orchard city limits.

[1993 c 430 § 3.]

RCW 47.17.330 State route No. 167.

A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Tacoma, thence easterly by way of the vicinity of Puyallup and Sumner, thence northerly by way of the vicinity of Auburn and Kent to a junction with state route number 900 in the vicinity of Renton.

[1991 c 342 § 17; 1979 ex.s. c 33 § 8; 1970 ex.s. c 51 § 67.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.335 State route No. 168.

A state highway to be known as state route number 168 is established as follows:

Beginning at a junction with state route number 410 in the vicinity of the junction of the Greenwater and White rivers, thence easterly to a junction with state route number 410 in the vicinity north of Cliffdell.

[1970 ex.s. c 51 § 68.]

RCW 47.17.340 State route No. 169.

A state highway to be known as state route number 169 is established as follows:

Beginning at a junction with state route number 164 at Enumclaw, thence northwesterly by way of Summit to a junction with state route number 900 in the vicinity of Renton.

[1971 ex.s. c 73 § 8; 1970 ex.s. c 51 § 69.]

RCW 47.17.345 State route No. 170.

A state highway to be known as state route number 170 is established as follows:

Beginning at a junction with state route number 17 west of Warden, thence easterly to Warden.

[1970 ex.s. c 51 § 70.]

RCW 47.17.350 State route No. 171.

A state highway to be known as state route number 171 is established as follows:

Beginning at a junction with state route number 90 west of Moses Lake, thence northeasterly by way of Moses Lake to a junction with state route number 28 in the vicinity west of Odessa. Until such time as state route number 171 is actually constructed on the location adopted by the department, no existing county roads may be maintained or improved by the department as a temporary route of state route number 171.

[1984 c 7 § 132; 1970 ex.s. c 51 § 71.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.355 State route No. 172.

A state highway to be known as state route number 172 is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Waterville, thence northerly and easterly by the most feasible route by way of Mansfield to a junction with state route number 17 in the vicinity of Leahy.

[1970 ex.s. c 51 § 72.]

RCW 47.17.360 State route No. 173.

A state highway to be known as state route number 173 is established as follows:

Beginning at a junction with state route number 17 at Bridgeport thence northwesterly on the south side of the Columbia river to a junction with state route number 97 in the vicinity of

Brewster.

[1970 ex.s. c 51 § 73.]

RCW 47.17.365 State route No. 174.

A state highway to be known as state route number 174 is established as follows:

Beginning at a junction with state route number 17 east of Bridgeport, thence easterly to the boundary of the federal reservation at Grand Coulee dam; also

Beginning at a junction with state route number 155 at Grand Coulee, thence southeasterly to a junction with state route number 21 in the vicinity north of Wilbur; also

A spur beginning at a junction with state route number 174 in the vicinity of the boundary of the federal reservation at the Grand Coulee dam and extending to Crown Point.

[1987 c 199 § 15; 1970 ex.s. c 51 § 74.]

RCW 47.17.370 State route No. 181.

A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number 516 in the vicinity of Kent, thence northerly to a junction with state route number 405 in the vicinity of Tukwila.

[1991 c 342 § 18; 1979 ex.s. c 192 § 4; 1971 ex.s. c 73 § 9; 1970 ex.s. c 51 § 75.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Effective dates--1979 ex.s. c 192: See note following RCW 44.40.070.

RCW 47.17.372 State route No. 182.

A state highway to be known as state route number 182 is established as follows:

Beginning at a junction with state route number 82 in the vicinity of Goose Gap, thence easterly via Richland to a junction with state route number 395 in the vicinity of Pasco.

[1979 ex.s. c 33 § 9; 1971 ex.s. c 73 § 10.]

RCW 47.17.375 State route No. 193.

A state highway to be known as state route number 193 is established as follows:

Beginning at a junction with state route number 128 in the vicinity of the Red Wolf crossing, thence westerly to the port of Wilma.

[1991 c 342 § 19; 1990 c 108 § 2; 1984 c 7 § 133; 1970 ex.s. c 51 § 76.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.377 State route No. 194.

A state highway to be known as state route number 194 is established as follows:

Beginning at the port of Almota, thence northerly and easterly to a junction with state route number 195 in the vicinity of Pullman.

[1991 c 342 § 20.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.380 State route No. 195.

A state highway to be known as state route number 195 is established as follows:

Beginning at the Washington-Idaho boundary line southeast of Uniontown, thence northwesterly and northerly by way of the vicinity of Pullman, Colfax, and Rosalia to a junction with state route number 90 at Spokane.

[1979 ex.s. c 33 § 10; 1970 ex.s. c 51 § 77.]

RCW 47.17.382 State route No. 197.

A state highway to be known as state route number 197 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river in the vicinity of The Dalles, thence northerly to a junction with state route number 14.

[1979 ex.s. c 33 § 11; 1973 1st ex.s. c 151 § 6.]

RCW 47.17.385 State route No. 202.

A state highway to be known as state route number 202 is established as follows:

Beginning at a junction with state route number 522 near Bothell, thence southeasterly to a junction with state route number 90 in the vicinity of North Bend.

[1987 c 199 § 16; 1970 ex.s. c 51 § 78.]

RCW 47.17.390 State route No. 203.

A state highway to be known as state route number 203 is established as follows:

Beginning at a junction with state route number 202 at Fall City, thence northerly by the most feasible route by way of Duvall to a junction with state route number 2 at Monroe.

[1970 ex.s. c 51 § 79.]

RCW 47.17.395 State route No. 204.

A state highway to be known as state route number 204 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Everett, thence northeasterly to a junction with state route number 9.

[1987 c 199 § 17; 1970 ex.s. c 51 § 80.]

RCW 47.17.400 State route No. 205.

A state highway to be known as state route number 205 is established as follows:

Beginning at the Washington-Oregon boundary line in the vicinity east of Vancouver, thence northwesterly to a junction with state route number 5 in the vicinity of Salmon Creek, north of Vancouver.

[1970 ex.s. c 51 § 81.]

RCW 47.17.405 State route No. 206.

A state highway to be known as state route number 206 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Mead, thence northeasterly to the entrance to Mt. Spokane State Park.

[1987 c 199 § 18; 1970 ex.s. c 51 § 82.]

RCW 47.17.410 State route No. 207.

A state highway to be known as state route number 207 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Winton, thence northerly to Lake Wenatchee state park.

[1991 c 342 § 21; 1970 ex.s. c 51 § 83.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.416 State route No. 211.

A state highway to be known as state route number 211 is established as follows:

Beginning at a junction with state route number 2 southwest of Newport, thence northerly by the most feasible route by way of Sacheen Lake to a junction with state route number 20 at Usk.

[1975 c 63 § 10.]

RCW 47.17.417 State route No. 213.

A state highway to be known as state route number 213 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Malott, thence northeasterly to a junction with state route number 20 southwest of Okanogan. Until such time as this route is actually constructed on the location adopted by the department, no county roads may

be maintained or improved by the department as a temporary route.

[1984 c 7 § 134; 1973 1st ex.s. c 151 § 18.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.419 State route No. 215.

A state highway to be known as state route number 215 is established as follows:

Beginning at a junction with state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak.

[1973 1st ex.s. c 151 § 19.]

RCW 47.17.425 State route No. 221.

A state highway to be known as state route number 221 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Patterson, thence northerly to a junction with state route number 22 in the vicinity of Prosser.

[1970 ex.s. c 51 § 86.]

RCW 47.17.430 State route No. 223.

A state highway to be known as state route number 223 is established as follows:

Beginning at a junction with state route number 22 in the vicinity southeast of Toppenish, thence easterly to a junction with state route number 12 in the vicinity of Granger. The establishment of state route number 223 as defined in this section shall be effective July 1, 1965.

[1970 ex.s. c 51 § 87.]

RCW 47.17.435 State route No. 224.

A state highway to be known as state route number 224 is established as follows:

Beginning at a junction with state route number 82 at Kiona, thence northeasterly to a junction with state route number 240 at Richland.

[1987 c 199 § 19; 1970 ex.s. c 51 § 88.]

RCW 47.17.436 State route No. 225.

A state highway to be known as state route number 225 is established as follows:

Beginning at a junction with state route number 224 in Kiona, thence northeasterly by way of Benton City to a junction with state route number 240 near Horn Rapids dam.

[1991 c 342 § 22.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.440 State route No. 230.

A state highway to be known as state route number 230 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ritzville, thence easterly by the most feasible route to a junction with state route number 23 in the vicinity of Ewan.

[1970 ex.s. c 51 § 89.]

RCW 47.17.445 State route No. 231.

A state highway to be known as state route number 231 is established as follows:

Beginning at a junction with state route number 23 in the vicinity northwest of Sprague, thence northerly by way of Edwall to a junction with state route number 2 in the vicinity west of Reardan; also

Beginning at a junction with state route number 2 in the vicinity of Reardan, thence northerly by way of Long Lake across the Spokane river, thence northeasterly by way of Springdale to a junction with state route number 395 in the vicinity of Chewelah.

[1970 ex.s. c 51 § 90.]

RCW 47.17.455 State route No. 240.

A state highway to be known as state route number 240 is established as follows:

Beginning at a junction with state route number 24 in the vicinity east of Cold Creek, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with state route number 224 at Richland; also

From that junction with state route number 224 at Richland, thence southerly to a junction with state route number 182 at Richland; also

From a junction with state route number 182 at Richland southeasterly to a junction with state route number 395 at Kennewick. The secretary may enter into negotiations with appropriate federal agencies to secure right of way for the highway over and across the Atomic Energy Commission Reservation.

[1985 c 177 § 3; 1984 c 7 § 135; 1970 ex.s. c 51 § 92.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.460 State route No. 241.

A state highway to be known as state route number 241 is established as follows:

Beginning at a junction with state route number 22 in Mabton, thence northerly and

northeasterly by way of Sunnyside to a junction with state route number 24.

[1991 c 342 § 23; 1987 c 199 § 20; 1970 ex.s. c 51 § 93.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.465 State route No. 243.

A state highway to be known as state route number 243 is established as follows:

Beginning at a junction with state route number 24 north of its crossing of the Columbia river, thence westerly and northerly by way of Arrowsmith and Beverly to a junction with state route number 26 south of the Columbia river bridge at Vantage.

[1970 ex.s. c 51 § 94.]

RCW 47.17.475 State route No. 260.

A state highway to be known as state route number 260 is established as follows:

Beginning at a junction with state route number 17 west of Connell, thence easterly to a junction with state route number 395 in the vicinity of Connell, thence northeasterly by way of Kahlotus to a junction with state route number 26 at Washtucna.

[1970 ex.s. c 51 § 96.]

RCW 47.17.480 State route No. 261.

A state highway to be known as state route number 261 is established as follows:

Beginning at a junction with state route number 12 at Delaney, thence northwesterly to a junction with state route number 260 in the vicinity of McAdam; also

Beginning at a junction with state route number 26 at Washtucna, thence northerly to a junction with state route number 90 at Ritzville.

[1987 c 199 § 21; 1971 ex.s. c 73 § 12; 1970 ex.s. c 51 § 97.]

RCW 47.17.481 State route No. 262.

A state highway to be known as state route number 262 is established as follows:

Beginning at a junction with state route number 26 east of Royal City, thence northerly and easterly to a junction with state route number 17 west of Warden.

[1991 c 342 § 24.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.482 State route No. 263.

A state highway to be known as state route number 263 is established as follows:

Beginning at the port of Windust, thence easterly and northerly to a junction with state

route number 260 in Kahlotus.

[1991 c 342 § 25.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.485 State route No. 270.

A state highway to be known as state route number 270 is established as follows:

Beginning at a junction with state route number 195 at Pullman, thence easterly by the most feasible route to a point on the Washington-Idaho boundary line.

[1970 ex.s. c 51 § 98.]

RCW 47.17.490 State route No. 271.

A state highway to be known as state route number 271 is established as follows:

Beginning at a junction with state route number 27 in the vicinity of Oakesdale, thence northwesterly to a junction with state route number 195 in the vicinity south of Rosalia.

[1970 ex.s. c 51 § 99.]

RCW 47.17.495 State route No. 272.

A state highway to be known as state route number 272 is established as follows:

Beginning at a junction with state route number 195 at Colfax, thence easterly to a junction with state route number 27 at Palouse; also

Beginning at a junction with state route number 27 at Palouse, thence northeasterly by the most feasible route to a point on the Washington-Idaho boundary line.

[1970 ex.s. c 51 § 100.]

RCW 47.17.500 State route No. 274.

A state highway to be known as state route number 274 is established as follows:

Beginning at a junction with state route number 27 at Tekoa, thence easterly to the Washington-Idaho boundary line.

[1970 ex.s. c 51 § 101.]

RCW 47.17.502 State route No. 276.

A state highway to be known as state route number 276 is established as follows:

Beginning at a junction with state route number 195 west of Pullman, thence easterly and southeasterly to a junction with state route number 270 east of Pullman.

[1973 1st ex.s. c 151 § 7.]

RCW 47.17.503 State route No. 278.

A state highway to be known as state route number 278 is established as follows:

Beginning at a junction with state route number 27 in Rockford, thence easterly and southerly to the Washington-Idaho boundary.

[1991 c 342 § 26.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.505 State route No. 281.

A state highway to be known as state route number 281 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of George, thence northerly to a junction with state route number 28 at Quincy; also

Beginning at a junction with state route number 281 at a point north of the above described junction on state route number 90, thence in a southeasterly direction to a junction with state route number 90 in the vicinity east of George, some 1.6 miles more or less, resulting in a wye connection between state route number 281 and state route number 90.

[1971 ex.s. c 73 § 13; 1970 ex.s. c 51 § 102.]

RCW 47.17.510 State route No. 282.

A state highway to be known as state route number 282 is established as follows:

Beginning at a junction with state route number 28 in the vicinity of Ephrata, thence southeasterly to a junction with state route number 17 in the vicinity of Rocky Ford creek.

[1970 ex.s. c 51 § 103.]

RCW 47.17.515 State route No. 283.

A state highway to be known as state route number 283 is established as follows:

Beginning at a junction with state route number 281 in the vicinity of Burke Junction, thence northeasterly by the most feasible route to a junction with state route number 28 in the vicinity west of Ephrata.

[1970 ex.s. c 51 § 104.]

RCW 47.17.517 State route No. 285.

A state highway to be known as state route number 285 is established as follows:

Beginning at a junction with state route number 28 in East Wenatchee, thence westerly across the Columbia river and northwesterly to a junction with state route number 2 in Wenatchee.

[1991 c 342 § 27; 1977 ex.s. c 224 § 1.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.520 State route No. 290.

A state highway to be known as state route number 290 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northeasterly by way of Millwood, Trentwood, and Newman Lake to the termination of Idaho state highway number 53 at the Washington-Idaho boundary line; also

Beginning at a junction with state route number 90 in Spokane, thence northerly to a junction with state route number 290 in the vicinity of Hamilton Street.

[1977 ex.s. c 6 § 1; 1970 ex.s. c 51 § 105.]

RCW 47.17.525 State route No. 291.

A state highway to be known as state route number 291 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northwesterly along the north bank of the Spokane river to the vicinity of Tumtum; and thence southwesterly along the north shore of Long Lake to a junction with state route number 231 in the vicinity of the Little Falls Dam.

[1983 c 180 § 4; 1970 ex.s. c 51 § 106.]

RCW 47.17.530 State route No. 292.

A state highway to be known as state route number 292 is established as follows:

Beginning at a junction with state route number 231 at Springdale, thence easterly to a junction with state route number 395 in the vicinity of Loon Lake.

[1970 ex.s. c 51 § 107.]

RCW 47.17.540 State route No. 300.

A state highway to be known as state route number 300 is established as follows:

Beginning at the western boundary of the Belfair State Park, thence generally easterly to a junction with state route number 3 at Belfair.

[1970 ex.s. c 51 § 109.]

RCW 47.17.545 State route No. 302.

A state highway to be known as state route number 302 is established as follows:

Beginning at a junction with state route number 3 in the vicinity of Allyn, thence easterly to a junction with state route number 16 in the vicinity of Purdy.

[1987 c 199 § 22; 1970 ex.s. c 51 § 110.]

RCW 47.17.550 State route No. 303.

A state highway to be known as state route number 303 is established as follows:

Beginning at a junction with state route number 304 at Bremerton, thence by way of the Warren Avenue bridge across the Port Washington Narrows northerly to a junction with state route number 3 in the vicinity north of Silverdale.

[1991 c 342 § 28; 1971 ex.s. c 73 § 14; 1970 ex.s. c 51 § 111.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.556 State route No. 304.

A state highway to be known as state route number 304 is established as follows:

Beginning at a junction with state route number 3 in Bremerton, thence easterly to the ferry terminal in Bremerton; also

From the state ferry terminal at Bremerton via the state ferry system easterly to the junction with state route number 519 at the state ferry terminal in Seattle.

[1994 c 209 § 6; 1993 c 430 § 4.]

RCW 47.17.560 State route No. 305.

A state highway to be known as state route number 305 is established as follows:

Beginning at the junction with state route number 519 at the state ferry terminal in Seattle, thence via the state ferry system northwesterly to the state ferry terminal at Bainbridge Island; also

From the state ferry terminal at Bainbridge Island, thence northerly by the most feasible route to the north end of Bainbridge Island, across Agate Pass, thence northwesterly by the most feasible route to a junction with state route number 3 in the vicinity north of Poulsbo.

[1994 c 209 § 7; 1970 ex.s. c 51 § 113.]

RCW 47.17.566 State route No. 307.

A state highway to be known as state route number 307 is established as follows:

Beginning at a junction with state route number 305 at Poulsbo, thence northeasterly to a junction with state route number 104 near Miller Lake.

[1991 c 342 § 29.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.567 State route No. 308.

A state highway to be known as state route number 308 is established as follows:

Beginning at a junction with state route number 3, thence easterly to Keyport.

[1987 c 199 § 23; 1971 ex.s. c 73 § 15.]

RCW 47.17.569 State route No. 310.

A state highway to be known as state route number 310 is established as follows:

Beginning at a junction with state route number 3 near Oyster Bay, thence easterly to a junction with state route number 304 in Bremerton.

[1991 c 342 § 30.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.571 State route No. 339.

A state highway to be known as state route number 339 is established as follows:

Beginning at the junction of state route number 160 at the state ferry terminal at Vashon Heights, thence via the state ferry system northeasterly to the junction with state route number 519 at the state ferry terminal in Seattle.

[1994 c 209 § 9.]

RCW 47.17.575 State route No. 395.

A state highway to be known as state route number 395 is established as follows:

Beginning at a junction with state route number 82 at Kennewick, northerly to a junction with state route number 182 at Pasco; also

From a junction with state route number 182 at Pasco, thence northeasterly by way of the vicinity of Mesa and Connell to a junction with state route number 90 at Ritzville; also

From a junction with state route number 2 in the vicinity north of Spokane, thence northerly by way of the vicinity of Colville and Kettle Falls to the international boundary line in the vicinity of Laurier.

[1985 c 177 § 4; 1979 ex.s. c 33 § 13; 1970 ex.s. c 51 § 116.]

RCW 47.17.577 State route No. 397.

A state highway to be known as state route number 397 is established as follows:

Beginning at Piert Road in the vicinity southeast of Finely, thence northwesterly and northerly across the Columbia River, thence easterly and northerly to a junction with state route number 395 in Pasco.

[1993 c 430 § 5; 1991 c 342 § 31.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.580 State route No. 401.

A state highway to be known as state route number 401 is established as follows:

Beginning at Point Ellice on state route number 101, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle.

[1970 ex.s. c 51 § 117.]

RCW 47.17.595 State route No. 405.

A state highway to be known as state route number 405 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Seattle, thence northeasterly to Renton, thence northerly east of Lake Washington to a junction with state route number 5 north of Seattle.

[1970 ex.s. c 51 § 120.]

RCW 47.17.605 State route No. 409.

A state highway to be known as state route number 409 is established as follows:

Beginning at the South Ferry landing, as now located, or as it may be relocated, on the south side of Puget Island, thence generally northerly by the most feasible route to the Puget Island bridge, thence crossing said bridge to a junction with state route number 4 at the north approach of said bridge at the town of Cathlamet: PROVIDED, That the state of Washington shall not assume or pay any bond or bonds outstanding against said bridge, or interest on said bonds, but said bond or bonds, and interest thereon, shall remain the sole obligation of the obligors named on said bonds.

[1970 ex.s. c 51 § 122.]

RCW 47.17.610 State route No. 410.

A state highway to be known as state route number 410 is established as follows:

Beginning at a junction with state route number 167 at Sumner, thence easterly by way of Buckley, Enumclaw, and Chinook Pass, to a junction with state route number 12 northwest of Yakima: PROVIDED, That until such time as state route number 167 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 near Tacoma easterly to Sumner on the north side of the Puyallup river, the public highway between state route number 5 in Tacoma and state route number 161 in Sumner, on the south side of the Puyallup river, shall remain on the state highway system.

[1987 c 199 § 24; 1973 1st ex.s. c 151 § 8; 1970 ex.s. c 51 § 123.]

RCW 47.17.615 State route No. 411.

A state highway to be known as state route number 411 is established as follows:

Beginning at a junction with state route number 432 in Longview, thence northerly to a

junction with state route number 5 at Castle Rock.

[1991 c 342 § 32; 1970 ex.s. c 51 § 124.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.625 State route No. 432.

A state highway to be known as state route number 432 is established as follows:

Beginning at a junction with state route number 4 in the vicinity west of Longview, thence southeasterly to a junction with state route number 5 south of Kelso.

[1991 c 342 § 33; 1970 ex.s. c 51 § 126.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.630 State route No. 433.

A state highway to be known as state route number 433 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge at Longview, thence northerly to a junction with state route number 432 in Longview.

[1991 c 342 § 34; 1987 c 199 § 25; 1970 ex.s. c 51 § 127.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.635 State route No. 500.

A state highway to be known as state route number 500 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northeasterly to Orchards, thence southeasterly to a junction with state route number 14 at Camas.

[1970 ex.s. c 51 § 128.]

RCW 47.17.640 State route No. 501--Erwin O. Rieger Memorial Highway.

A state highway to be known as state route number 501 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northerly by way of Lower River Road and an extension thereof to Ridgefield, thence easterly to a junction with state route number 5 in the vicinity south of La Center. That portion of state route number 501 from the northerly junction of N.W. Lower River Road to the Ridgefield city limits is designated "the Erwin O. Rieger Memorial Highway." The department may enter into an agreement with the Port of Vancouver, Clark county, or the United States Army Engineers, or any combination thereof, to obtain material dredged from the Columbia river and have it stockpiled at no expense to the state.

[1991 c 78 § 1; 1984 c 7 § 136; 1970 ex.s. c 51 § 129.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.645 State route No. 502.

A state highway to be known as state route number 502 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Vancouver, thence easterly to a junction with state route number 503 at Battleground.

[1970 ex.s. c 51 § 130.]

RCW 47.17.650 State route No. 503.

A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 at Battle Ground, thence northerly to Amboy, thence northeasterly by way of Cougar to the Cowlitz-Skamania county line; also

Beginning at a junction with state route number 503 in the vicinity of Yale, thence westerly to a junction with state route number 5 in the vicinity of Woodland.

[1991 c 342 § 35; 1975 c 63 § 6; 1970 ex.s. c 51 § 131.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.655 State route No. 504--Spirit Lake Memorial Highway.

A state highway to be known as state route number 504, hereby designated the Spirit Lake Memorial Highway, dedicated to the memory of those who lost their lives in the 1980 eruption of Mt. St. Helens, is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence easterly along the north shore of Silver Lake by way of Silverlake and Toutle, past a junction with state route number 505, thence by way of Kid Valley and St. Helens to the former Spirit Lake.

[1982 c 82 § 1; 1970 ex.s. c 51 § 132.]

RCW 47.17.660 State route No. 505.

A state highway to be known as state route number 505 is established as follows:

Beginning in Winlock, thence via Toledo, easterly and southerly to a junction with state route number 504 in the vicinity north of Toutle.

[1991 c 342 § 36; 1970 ex.s. c 51 § 133.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.665 State route No. 506.

A state highway to be known as state route number 506 is established as follows:

Beginning at Ryderwood, thence by way of Vader northeasterly to a junction with state route number 5 west of Toledo.

[1970 ex.s. c 51 § 134.]

RCW 47.17.670 State route No. 507.

A state highway to be known as state route number 507 is established as follows:

Beginning at a junction with state route number 5 in Centralia, thence northerly by the most feasible route by way of Bucoda to Tenino, thence northeasterly by way of Rainier, Yelm and McKenna to a junction with state route number 7 in the vicinity south of Tacoma.

[1970 ex.s. c 51 § 135.]

RCW 47.17.675 State route No. 508.

A state highway to be known as state route number 508 is established as follows:

Beginning at a junction with state route number 5 south of Chehalis, thence easterly by way of Onalaska to a junction with state route number 7 at Morton.

[1970 ex.s. c 51 § 136.]

RCW 47.17.680 State route No. 509.

A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number 705 at Tacoma, thence northeasterly to a junction with state route number 99 in the vicinity of Redondo; also

From a junction with state route number 516 at Des Moines, thence northerly to a junction with state route number 99 in Seattle.

[1991 c 342 § 37; 1979 ex.s. c 33 § 14; 1970 ex.s. c 51 § 137.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.685 State route No. 510.

A state highway to be known as state route number 510 is established as follows:

Beginning at a junction with state route number 5, thence southeasterly via St. Clair to a junction with state route number 507 at Yelm.

[1970 ex.s. c 51 § 138.]

RCW 47.17.690 State route No. 512.

A state highway to be known as state route number 512 is established as follows:

Beginning at a junction with state route number 5 south of Tacoma, thence easterly to a junction with state route number 7 south of Tacoma, thence easterly to a junction with state route number 167 in the vicinity of Puyallup.

[1970 ex.s. c 51 § 139.]

RCW 47.17.695 State route No. 513.

A state highway to be known as state route number 513 is established as follows:

Beginning at a junction with state route number 520 in Seattle, thence northerly and easterly to the vicinity of Sand Point.

[1991 c 342 § 38; 1971 ex.s. c 73 § 16; 1970 ex.s. c 51 § 140.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.705 State route No. 515.

A state highway to be known as state route number 515 is established as follows:

Beginning at a junction with state route number 516 in the vicinity east of Kent, thence northerly to a junction with state route number 900 in Renton.

[1970 ex.s. c 51 § 142.]

RCW 47.17.710 State route No. 516.

A state highway to be known as state route number 516 is established as follows:

Beginning at a junction with state route number 509 in the vicinity south of Des Moines, thence southeasterly to a junction with state route number 5; also

From that junction with state route number 5, thence easterly to a junction with state route number 167 in Kent, thence easterly to a junction with state route number 169 south of Maple Valley.

[1970 ex.s. c 51 § 143.]

RCW 47.17.715 State route No. 518.

A state highway to be known as state route number 518 is established as follows:

Beginning at a junction with state route number 509 near Sunnydale, thence easterly to a junction with state route number 5 in the vicinity of Seattle.

[1970 ex.s. c 51 § 144.]

RCW 47.17.717 State route No. 519.

A state highway to be known as state route number 519 is established as follows:

Beginning at a junction with state route number 90 in Seattle, thence westerly, and northerly to the Washington state ferry terminal.

[1991 c 342 § 39.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.720 State route No. 520.

A state highway to be known as state route number 520 is established as follows:

Beginning at a junction with state route number 5 in Seattle, thence easterly via the Evergreen Point bridge to a junction with state route number 202 in the vicinity of Redmond.

[1970 ex.s. c 51 § 145.]

RCW 47.17.725 State route No. 522.

A state highway to be known as state route number 522 is established as follows:

Beginning at Seattle in King county, thence easterly by the most feasible route to the north of Lake Washington by way of Bothell to a junction with state route number 202 near Bothell; also

From that junction with state route number 202 near Bothell, thence northeasterly by the most feasible route to a junction with state route number 2 in the vicinity of Monroe.

[1970 ex.s. c 51 § 146.]

RCW 47.17.727 State route No. 523.

A state highway to be known as state route number 523 is established as follows:

Beginning at a junction with state route number 99 and Northeast 145th Street in Seattle, thence easterly to a junction with state route number 522.

[1991 c 342 § 40.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.730 State route No. 524.

A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number 522 near Maltby.

[1991 c 342 § 41; 1984 c 7 § 137; 1970 ex.s. c 51 § 147.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.735 State route No. 525.

A state highway to be known as state route number 525 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence northwesterly to the state ferry terminal at Mukilteo; also

From the junction with state route number 526 at Mukilteo, thence southerly to a junction with state route number 525; also

From the state ferry terminal at Mukilteo via the state ferry system northerly to the state ferry terminal at Clinton; also

From the state ferry terminal at Clinton, thence northwesterly to a junction with state route number 20 in the vicinity east of Keystone.

[2001 c 130 § 1; 1994 c 209 § 8; 1973 1st ex.s. c 151 § 15; 1970 ex.s. c 51 § 148.]

RCW 47.17.740 State route No. 526.

A state highway to be known as state route number 526 is established as follows:

Beginning at a junction with state route number 525 at Mukilteo, thence easterly to a junction with state route number 5 in the vicinity of its junction with state route number 527.

[1970 ex.s. c 51 § 149.]

RCW 47.17.745 State route No. 527.

A state highway to be known as state route number 527 is established as follows:

Beginning at a junction with state route number 522 in the vicinity of Bothell, thence northerly to a junction with state route number 5 in the vicinity south of Everett.

[1970 ex.s. c 51 § 150.]

RCW 47.17.750 State route No. 528.

A state highway to be known as state route number 528 is established as follows:

Beginning at a junction with state route number 5 near Marysville, thence easterly to a junction with state route number 9. Until such time as state route number 528 from Marysville to a junction with state route number 9 is actually constructed on the location adopted by the department, no existing city streets or county roads may be maintained or improved by the department as a temporary route of state route number 528.

[1984 c 7 § 138; 1971 ex.s. c 73 § 18; 1970 ex.s. c 51 § 151.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.752 State route No. 529.

A state highway to be known as state route number 529 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence westerly and northerly through Everett to a junction with state route number 528 in Marysville.

[1991 c 342 § 42; 1971 ex.s. c 73 § 19.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.755 State route No. 530.

A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 in the vicinity west of Arlington, thence easterly and northerly by way of Darrington to a junction with state route number 20 in the vicinity of Rockport.

[1991 c 342 § 43; 1983 c 131 § 1; 1971 ex.s. c 73 § 20; 1970 ex.s. c 51 § 152.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.757 State route No. 531.

A state highway to be known as state route number 531 is established as follows:

Beginning at Wenberg state park, thence northerly and easterly to a junction with state route number 9 in the vicinity north of Marysville.

[1991 c 342 § 44.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.760 State route No. 532.

A state highway to be known as state route number 532 is established as follows:

Beginning at a point on Camano Island known as McEacherns Corner, thence easterly over a bridge and by way of Stanwood to a junction with state route number 530 in the vicinity of Stanwood, thence easterly to a junction with state route number 5 in the vicinity east of Stanwood.

[1970 ex.s. c 51 § 153.]

RCW 47.17.765 State route No. 534.

A state highway to be known as state route number 534 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southeasterly to a junction with state route number 9 at McMurray.

[1970 ex.s. c 51 § 154.]

RCW 47.17.770 State route No. 536.

A state highway to be known as state route number 536 is established as follows:

Beginning at a junction with state route number 20 at Fredonia, thence easterly to a junction with state route number 5 at Mt. Vernon.

[1973 1st ex.s. c 151 § 16; 1970 ex.s. c 51 § 155.]

RCW 47.17.780 State route No. 538.

A state highway to be known as state route number 538 is established as follows:

Beginning at a junction with state route number 5 at Mt. Vernon, thence easterly to a junction with state route number 9.

[1970 ex.s. c 51 § 157.]

RCW 47.17.785 State route No. 539.

A state highway to be known as state route number 539 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence northerly to the international boundary in the vicinity east of Delta.

[1970 ex.s. c 51 § 158.]

RCW 47.17.795 State route No. 542.

A state highway to be known as state route number 542 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence easterly to a point in the vicinity of Austin Pass in Whatcom county.

[1970 ex.s. c 51 § 160.]

RCW 47.17.797 State route No. 543.

A state highway to be known as state route number 543 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Blaine, thence northerly to the international boundary.

[1971 ex.s. c 73 § 22.]

RCW 47.17.800 State route No. 544.

A state highway to be known as state route number 544 is established as follows:

Beginning at a junction with state route number 539 in the vicinity of Wiser lake, thence northeasterly by way of Everson to a junction with state route number 9 in the vicinity of Nooksack.

[1970 ex.s. c 51 § 161.]

RCW 47.17.805 State route No. 546.

A state highway to be known as state route number 546 is established as follows:

Beginning at a junction with state route number 539 approximately 2.7 miles south of the international boundary, thence easterly by way of Van Buren to a junction with state route number 9.

[1970 ex.s. c 51 § 162.]

RCW 47.17.806 State route No. 547.

A state highway to be known as state route number 547 is established as follows:

Beginning at the junction of state route number 542 in the vicinity of Kendall, thence northwesterly to a junction with state route number 9 at Sumas.

[1984 c 197 § 2.]

RCW 47.17.807 State route No. 548.

A state highway to be known as state route number 548 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Ferndale, thence westerly and northerly to a junction with state route number 5 in Blaine.

[1991 c 342 § 45.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.808 State route No. 599.

A state highway to be known as state route number 599 is established as follows:

Beginning in the vicinity south of Seattle at a junction with state route number 5, thence in a northwesterly direction west of the Duwamish river to a junction with state route number 99 in the vicinity of South 118 street south of Seattle.

[1971 ex.s. c 73 § 23.]

RCW 47.17.815 State route No. 702.

A state highway to be known as state route number 702 is established as follows:

Beginning at a junction with state route number 507 at McKenna, thence easterly to a junction with state route number 7.

[1970 ex.s. c 51 § 164.]

RCW 47.17.819 State route No. 705.

A state highway to be known as state route number 705 is established as follows:

Beginning at a junction with state route number 5 in Tacoma, thence northerly to a junction with Schuster Parkway in the Tacoma central business district.

[1979 ex.s. c 33 § 15.]

RCW 47.17.820 State route No. 706--Road to Paradise.

A state highway to be known as state route number 706, designated the Road to Paradise, is established as follows:

Beginning at a junction with state route number 7 at Elbe, thence easterly to a southwest entrance to Mt. Rainier National Park.

[1990 c 97 § 1; 1970 ex.s. c 51 § 165.]

RCW 47.17.821 State route No. 730.

A state highway to be known as state route number 730 is established as follows:

Beginning at the Washington-Oregon boundary line, thence northeasterly to a junction with state route number 12 south of Wallula.

[1985 c 177 § 5.]

RCW 47.17.823 State route No. 821.

A state highway to be known as state route number 821 is established as follows:

Beginning at a junction with state route number 82 in the vicinity north of Yakima, thence northerly to a junction with state route number 82 south of Ellensburg.

[1973 1st ex.s. c 151 § 9.]

RCW 47.17.824 State route No. 823.

A state highway to be known as state route number 823 is established as follows:

Beginning at the junction of state route number 82 in the vicinity of Selah northerly by way of Selah and easterly to a junction with state route number 821 in the vicinity of the firing center interchange.

Before award of any construction contract for improvements to state route number 823 under either program A or program C, the department of transportation shall secure a portion of the construction cost from the city of Selah or Yakima county, or both.

[1991 c 342 § 46; 1984 c 197 § 3.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.825 State route No. 900.

A state highway to be known as state route number 900 is established as follows:

Beginning at a junction with state route number 5 in Seattle near the Duwamish River, thence southerly by way of Renton to a junction with state route number 90 in the vicinity of Issaquah.

[1991 c 342 § 47; 1979 ex.s. c 33 § 16; 1970 ex.s. c 51 § 166.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.835 State route No. 902.

A state highway to be known as state route number 902 is established as follows:

Beginning at a junction with state route number 90, thence northwesterly, northerly, northeasterly, and easterly, via the town of Medical Lake, to a junction with state route number 90 at a point approximately three miles northeast of Four Lakes.

[1991 c 342 § 49; 1970 ex.s. c 51 § 168.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.840 State route No. 903.

A state highway to be known as state route number 903 is established as follows:

Beginning at a junction with state route number 970 in the vicinity of Cle Elum, thence northwesterly by way of Cle Elum and Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum.

[1975 c 63 § 7; 1970 ex.s. c 51 § 169.]

RCW 47.17.845 State route No. 904.

A state highway to be known as state route number 904 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Tyler, thence northeasterly via Cheney to a junction with state route number 90 in the vicinity of Four Lakes.

[1971 ex.s. c 73 § 25; 1970 ex.s. c 51 § 170.]

RCW 47.17.850 State route No. 906.

A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967, in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

The legislative transportation committee, the house and senate transportation committees,

and the department shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.

[1984 c 7 § 139; 1977 ex.s. c 235 § 16; 1971 ex.s. c 73 § 26; 1970 ex.s. c 51 § 171.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.855 State route No. 908.

A state highway to be known as state route number 908 is established as follows:

Beginning at a junction with state route number 405 in Kirkland, thence easterly to a junction with state route number 202 in the vicinity of Redmond.

[1991 c 342 § 50; 1971 ex.s. c 73 § 27.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.917 State route No. 970.

A state highway to be known as state route number 970 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Cle Elum, thence northeasterly by way of Teanaway to a junction with state route number 97 in the vicinity of Virden.

[1975 c 63 § 12.]

RCW 47.17.919 State route No. 971.

A state highway to be known as state route number 971 is established as follows:

Beginning at a junction with state route number 97-alternate in the vicinity of Winesap, thence northerly to Lake Chelan state park, thence southeasterly to a junction with state route number 97-alternate west of Chelan.

[1991 c 342 § 51.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.960 Local bridges--Department responsibility.

Although not part of the state highway system, the bridges designated in this section shall remain the continuing responsibility of the Washington state department of transportation. Continuing responsibility includes all structural maintenance, repair, and replacement of the substructure, superstructure, and roadway deck. Local agencies are responsible for snow and ice control, sweeping, striping, lane marking, and channelization.

| Facility | Bridges and Structures (SWIBS) Number |
|--------------------------------|--|
| S. Fork Skykomish River Bridge | WN-002000487032 |
| Manette Bridge | WN-303250032700 |
| Grays River Bridge (Rosburg) | WN-403000064300 |
| Elochoman Bridge | WN-407000023300 |

[1991 c 342 § 55.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.990 Construction--Refunds to counties composed of islands.

Nothing in this chapter precludes the refund of all vehicle license fees and motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and that have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, as authorized under RCW 46.68.080.

[1994 c 209 § 10.]

**Chapter 47.20 RCW
MISCELLANEOUS PROJECTS**

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| 47.20.780 | Design-build--Competitive bidding. |
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| 47.20.900 | Severability--1975 1st ex.s. c 272. |

RCW 47.20.570 Manette bridge authorized.

The department is authorized and directed to construct a bridge across Port Washington Narrows connecting state route number 304 at or near Bremerton with state route number 303 on the Manette Peninsula; to make surveys and plans; and to condemn or otherwise acquire such lands as are necessary or proper for approaches to the bridge or for the relocation of any portion of the highway to locate the bridge at the most feasible place. The bridge shall become and be maintained as a part of the state highway system.

[1984 c 7 § 140; 1970 ex.s. c 51 § 173; 1961 c 13 § 47.20.570. Prior: 1947 c 4 p 6 § 2; Rem. Supp. 1947 § 6584a-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.580 Washington State University highway authorized.

The department is hereby authorized and directed to locate, construct, pave, and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State University and extending in a northwesterly direction to a connection with state route number 27, near the north boundary of the city of Pullman.

[1984 c 7 § 141; 1970 ex.s. c 51 § 174; 1961 c 13 § 47.20.580. Prior: 1945 c 27 § 1; Rem. Supp. 1945 § 6402-40.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.590 University of Washington approach authorized.

The department is hereby authorized and directed to select and locate a suitable and fitting street and highway approach to the University of Washington campus in the city of Seattle, from Roosevelt Way to Fifteenth Avenue northeast, including an underpass beneath the surface of Roosevelt Way, and necessary approaches to the underpass.

[1984 c 7 § 142; 1961 c 13 § 47.20.590. Prior: 1945 c 27 § 2; Rem. Supp. 1945 § 6402-41.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.600 Washington State University highway, University of Washington approach--Acquisition of property.

The department is hereby authorized and directed in the name of the state of Washington

to acquire by purchase, gift, or condemnation, any and all private real estate, rights, and interests necessary to locate, construct, and maintain the Washington State University highway and the University of Washington approach provided for herein.

[1984 c 7 § 143; 1961 c 13 § 47.20.600. Prior: 1945 c 27 § 3; Rem. Supp. 1945 § 6402-42.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.605 Washington State University highway, University of Washington approach--Public use.

The use of the private real estate, rights, and interests, selected by the department as necessary for the approach, underpass, and highway is declared to be a public use.

[1984 c 7 § 144; 1961 c 13 § 47.20.605. Prior: 1945 c 27 § 4; Rem. Supp. 1945 § 6402-43. Formerly RCW 47.20.600, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.610 Washington State University highway, University of Washington approach--Condemnation.

In case of condemnation to secure any real estate, rights, or interests authorized under this chapter, the court actions shall be brought in the name of the state of Washington in the respective counties in which the real estate is located and in the manner provided by law for acquiring property for public uses for the state. In such actions the selection of the real estate, rights, and interests by the department is, in the absence of bad faith, arbitrary, capricious, or fraudulent action, conclusive upon the court and judge before which the action is brought that the real estate, rights, and interests are necessary for public use for the purposes sought.

[1984 c 7 § 145; 1961 c 13 § 47.20.610. Prior: 1945 c 27 § 5; Rem. Supp. 1945 § 6402-44.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.620 Washington State University highway, University of Washington approach--Measure of damage to buildings.

If, in any condemnation proceeding authorized herein, it appears that there is any building wholly or partially upon any of the real estate to be taken, the jury, or the court, if the jury be waived, shall add to the value of the land taken the amount of damages to the building. If the entire building is taken, or if the building is damaged so that it cannot be readjusted to the real estate not taken, then the measure of damages shall be the fair cash value of the building. If part of a building is taken or damaged and the building can be readjusted or replaced on the real estate remaining, then the measure of damages shall be the cost of readjusting or moving the

building, or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving.

[1961 c 13 § 47.20.620. Prior: 1945 c 27 § 6; Rem. Supp. 1945 § 6402-45.]

RCW 47.20.630 Washington State University highway, University of Washington approach--Sale of buildings, personalty, acquired in acquisition of land.

The department shall have power to sell at public or private sale any building, equipment, or fixtures acquired in the acquisition of the real estate for such price as it shall fix and to execute to the purchaser upon payment of the purchase price a bill of sale in the name of the state. Proceeds of the sale shall be placed in the motor vehicle fund of the state treasury. The department shall have power to permit occupation of buildings on real estate so acquired for such specified limited time as it deems will lapse before construction of the approach, underpass, and highway can be undertaken; and in behalf of the state it may be shown in any condemnation proceeding the period during which such occupancy will be permitted for the purpose of mitigating damages.

[1984 c 7 § 146; 1961 c 13 § 47.20.630. Prior: 1945 c 27 § 7; Rem. Supp. 1945 § 6402-46.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.635 University of Washington approach--Ordinance requisite--Construction and maintenance.

No action may be taken by the department for the acquisition of real estate, rights, and interests for the approach and underpass to the University of Washington unless and until the city of Seattle, through its legislative authority, enacts an ordinance providing that the city of Seattle will, within three months after the necessary real estate, rights, and interests have been secured by the state as provided in this chapter, begin the work of grading, paving, and such other work as is necessary to complete and render available for use of the public, the approach and underpass and approaches to the underpass; and further providing that the city of Seattle shall thereafter keep and maintain the approach and underpass and approach to the underpass in a good state of repair and suitable for public travel and use, which construction and maintenance work the city of Seattle is hereby authorized and empowered to do and perform.

[1984 c 7 § 147; 1961 c 13 § 47.20.635. Prior: 1945 c 27 § 8; Rem. Supp. 1945 § 6402-47.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.640 Reestablishment and redesignation of intersections when highway relocated.

In any case where a state highway is relocated in such manner that it ceases to intersect

another state highway, the department is authorized to extend and designate either of the state highways to reestablish an appropriate intersection.

[1984 c 7 § 148; 1967 ex.s. c 145 § 44; 1961 c 13 § 47.20.640. Prior: 1953 c 82 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.645 Interstate 90 corridor--Legislative finding.

The legislature finds that the department initiated route studies for the location of that segment of the national system of interstate and defense highways (interstate system) between south Bellevue and state route No. 5 in Seattle in 1957 culminating in a corridor public hearing and adoption of a corridor in 1963; that thereafter the department, utilizing a multidisciplinary design team and soliciting the broadest public participation, developed a series of designs culminating in a public design hearing in 1970, a public limited access hearing in 1971, and adoption of a design and limited access plan for the facility in 1971; that commencing in 1970 the proposed facility has been the subject of numerous lawsuits and administrative proceedings that have prevented advancement of the project to construction; that since further development of the project was enjoined by federal courts in 1971 the cost of constructing the project has increased by more than one hundred million dollars; that the traffic congestion and traffic hazards existing in the existing highway corridor between south Bellevue, Mercer Island, and the city of Seattle are no longer tolerable; that after more than seventeen years of studies the public interest now requires that final decisions regarding the appropriate system for meeting the transportation requirements between south Bellevue and the city of Seattle be made promptly and in accordance with a prescribed schedule.

It is therefore the sense of the legislature that further protracted delay in establishing the transportation system to be constructed between south Bellevue and state route No. 5 in the city of Seattle is contrary to the interest of the people of this state and can no longer be tolerated as acceptable public administration. Accordingly the schedule for finally determining the character of transportation modes between south Bellevue and state route No. 5 in the city of Seattle as set forth in RCW 47.20.645 through 47.20.653 and 47.20.900 is adopted as the public policy of this state.

[1984 c 7 § 149; 1975 1st ex.s. c 272 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.647 Interstate 90 corridor--Withdrawal of local governments from project--Effect on use of state funds.

(1) The Puget Sound council of governments (until July 1, 1975, known as the Puget Sound governmental conference) now engaged in a study of the withdrawal from the interstate system of that segment of state route No. 90 between the south Bellevue interchange and the

Connecticut street interchange on state route No. 5 and the substitution of public mass transit projects in lieu thereof as authorized by section 103(e)(4) of Title 23, United States Code, is directed to complete all phases of the study by November 1, 1975.

(2) No later than January 15, 1976, the city councils of Seattle, Mercer Island and Bellevue and the county council of King County shall each by resolution either approve or disapprove a request to withdraw from the interstate system the segment of state route No. 90 between south Bellevue interchange and the Connecticut street interchange on state route No. 5. Nothing in this subsection shall be construed as requiring the city or county councils to adopt by January 15, 1976 any proposal for substitute mass transit projects.

(3) If at least three of the four city and county councils request withdrawal from the interstate system of the designated segment of state route No. 90 by January 15, 1976, and such request is thereafter concurred in by the governor and the Puget Sound council of governments, such determination shall be final as it relates to the state of Washington and except as may be required to terminate the project in an orderly manner, no moneys shall thereafter be expended from the motor vehicle fund for further development of the designated section of highway as an interstate highway without further express authorization of the legislature.

(4) If fewer than three of the four city and county councils request withdrawal from the interstate system of the designated segment of state route No. 90 by January 15, 1976, or if the governor does not concur in the withdrawal request, then no tax revenues collected by the state of Washington shall thereafter be expended for the construction of substitute public mass transit projects in the Seattle metropolitan area pursuant to section 103(e)(4) of Title 23, United States Code, without further express authorization of the legislature.

[1975 1st ex.s. c 272 § 2.]

RCW 47.20.653 Interstate 90 corridor--Court proceedings, priority.

State court proceedings instituted to challenge the validity of any steps taken in pursuance of the construction of the segment of the interstate system between south Bellevue and state route No. 5 in Seattle, or the construction of substitute public mass transit projects in lieu thereof, shall take precedence over all other causes not involving the public interest in all courts of this state to the end construction of such facilities may be expedited to the fullest. The legislature of the state of Washington respectfully requests of the federal judiciary that challenges instituted in the federal courts relating to the validity of steps leading to the construction of the designated interstate highway or substitute public mass transit projects in lieu thereof be expedited to the fullest.

[1975 1st ex.s. c 272 § 5.]

RCW 47.20.700 State route No. 504 (Spirit Lake Memorial Highway)--Extension and parking facilities.

The department of transportation may provide for the construction of an extension of state route number 504 from the vicinity of Maple Flats to the vicinity of the United States Corps

of Engineers debris dam on the north fork of the Toutle river on an alignment to be approved by the department of transportation. The department may enter into an agreement with the principal owner of the necessary right of way providing as follows:

(1) The owner of the right of way shall construct the highway extension and public parking facilities as specified by the department of transportation.

(2) The owner of the right of way shall convey to the state, right of way for the highway extension a minimum of one hundred fifty feet in width (except right of way presently under the control of the department of natural resources), together with areas for public parking facilities as designated by the department of transportation.

(3) The department of transportation shall reimburse the present owner of the right of way for the actual cost of construction of the highway extension and the public parking facilities.

(4) The construction of the highway extension and public parking facilities shall be completed within one year after March 27, 1982.

The department of transportation may acquire that part of the right of way necessary for the highway extension that is now under the control of the department of natural resources in the manner provided in RCW 47.12.023 through 47.12.029.

All expenditures by the department of transportation pursuant to this section shall be from appropriations for the construction of category A projects.

[1982 c 82 § 2.]

RCW 47.20.710 Quinault Tribal Highway--Agreement authorized--Route.

The department of transportation is authorized to enter into a cooperative agreement with the governing authority for the Indian peoples of the Quinault Indian Reservation and appropriate agencies of the United States for the location, design, right of way acquisition, construction, and maintenance of a highway beginning at the south boundary of the Quinault Indian reservation on state route number 109, thence northerly along the present right of way of state route number 109 to the township line, thence inland and northerly across the Raft river to an intersection with state route number 101 south of Queets. The highway shall be known as the "Tribal Highway" and may also be designated by the department as state route number 109. It is anticipated that this highway construction will be funded from federal sources other than normal federal aid highway allocations.

[1985 c 228 § 1.]

Notes:

State route number 109: RCW 47.17.200.

RCW 47.20.715 Quinault Tribal Highway--Maintenance, operation, improvements--Intersections, access.

As a part of the agreement, the department may assume responsibility for the operation and maintenance and future improvement of the highway. The agreement may also reserve to the

governing authority for the Indian peoples of the Quinault Indian Reservation authority to construct public road intersections or grade separation crossings of the highway. Existing rights of access from adjoining property to existing state route number 109 from the south reservation boundary to the township line shall not be affected by RCW 47.20.710 through 47.20.735 or the agreement authorized by RCW 47.20.710.

[1985 c 228 § 2.]

RCW 47.20.720 Quinault Tribal Highway--Certain portion as limited access.

The department is authorized to determine the location of the highway from the township line to a junction with state route number 101 after consultations with the governing authority for the Indian peoples of the Quinault Indian Reservation and the bureau of Indian affairs. The department may then proceed with the establishment of this section of the highway as a limited access facility in the manner prescribed in RCW 47.52.131 through 47.52.137 and 47.52.195 (and the administrative rules adopted by the department to implement those sections), subject, however, to the following conditions: (1) The access report required by RCW 47.52.131 shall be approved by the governing authority for the Indian peoples of the Quinault Indian Reservation before public hearings; and (2) the final limited access plan adopted pursuant to RCW 47.52.137 at the conclusion of the public hearing, or after any appeal from it has been decided, shall be approved by the governing authority for the Indian peoples of the Quinault Indian Reservation and the bureau of Indian affairs before right of way is acquired for this section of highway.

[1985 c 228 § 3.]

RCW 47.20.725 Quinault Tribal Highway--Acquisition of remaining right of way.

The department is authorized to acquire the remaining right of way for the Tribal Highway by purchase or by condemnation under state or federal eminent domain statutes. The secretary of transportation pursuant to the agreement is authorized to convey by deed to the governing authority for the Indian peoples of the Quinault Indian Reservation the right of way to the entire highway when fully acquired in return for a conveyance by the governing authority for the Indian peoples of the Quinault Indian Reservation to the state of Washington of a perpetual easement for public travel on the through lanes and shoulders of the highway when constructed. The agreement may also authorize the governing authority for the Indian peoples of the Quinault Indian Reservation to convey to the United States an easement to construct, maintain, and repair the highway improvements if such an easement is required by regulations of the bureau of Indian affairs.

[1985 c 228 § 4.]

RCW 47.20.730 Quinault Tribal Highway--Department as agent.

Except as otherwise provided by RCW 47.20.710 through 47.20.735 or by the agreement

authorized by RCW 47.20.710, the department may proceed with the location, design, acquisition of right of way, construction, and maintenance of the highway as an agent of the governing authority for the Indian peoples of the Quinault Indian Reservation in accordance with applicable state or federal law.

[1985 c 228 § 5.]

RCW 47.20.735 Quinault Tribal Highway--Authority to seek federal funding.

The department is authorized to join with the governing authority for the Indian peoples of the Quinault Indian Reservation to seek federal funding for the construction of the Tribal Highway.

[1985 c 228 § 6.]

RCW 47.20.780 Design-build--Competitive bidding. (Expires April 30, 2008.)

The department of transportation shall develop a process for awarding competitively bid highway construction contracts for projects over ten million dollars that may be constructed using a design-build procedure. As used in this section and RCW 47.20.785, "design-build procedure" means a method of contracting under which the department of transportation contracts with another party for the party to both design and build the structures, facilities, and other items specified in the contract.

The process developed by the department must, at a minimum, include the scope of services required under the design-build procedure, contractor prequalification requirements, criteria for evaluating technical information and project costs, contractor selection criteria, and issue resolution procedures.

This section expires April 30, 2008.

[2001 c 226 § 2.]

NOTES:

Findings--Purpose--2001 c 226: "The legislature finds and declares that a contracting procedure that facilitates construction of transportation facilities in a more timely manner may occasionally be necessary to ensure that construction can proceed simultaneously with the design of the facility. The legislature further finds that the design-build process and other alternative project delivery concepts achieve the goals of time savings and avoidance of costly change orders.

The legislature finds and declares that a 2001 audit, conducted by Talbot, Korvola & Warwick, examining the Washington state ferries' capital program resulted in a recommendation for improvements and changes in auto ferry procurement processes. The auditors recommended that auto ferries be procured through use of a modified request for proposals process whereby the prevailing shipbuilder and Washington state ferries engage in a design and build partnership. This process promotes ownership of the design by the shipbuilder while using the department of transportation's expertise in ferry design and operations. Alternative processes like design-build partnerships can promote innovation and create competitive incentives that increase the likelihood of finishing projects on time and within the budget.

The purpose of this act is to authorize the department's use of a modified request for proposals process for procurement of auto ferries, and to prescribe appropriate requirements and criteria to ensure that contracting

procedures for this procurement process serve the public interest." [2001 c 226 § 1.]

RCW 47.20.785 Design-build--Qualified projects. (Expires April 30, 2008.)

The department of transportation may use the design-build procedure for public works projects over ten million dollars where:

(1) The construction activities are highly specialized and a design-build approach is critical in developing the construction methodology; or

(2) The projects selected provide opportunity for greater innovation and efficiencies between the designer and the builder; or

(3) Significant savings in project delivery time would be realized.

This section expires April 30, 2008.

[2001 c 226 § 3.]

NOTES:

Findings--Purpose--2001 c 226: See note following RCW 47.20.780.

RCW 47.20.900 Severability--1975 1st ex.s. c 272.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975 1st ex.s. c 272 § 6.]

**Chapter 47.22 RCW
COMBINATION HIGHWAY ROUTES**

Sections

47.22.010 East Pacific highway.

47.22.020 Lewis and Clark Highway.

RCW 47.22.010 East Pacific highway.

There is hereby established the east Pacific highway which shall be composed of the following existing highway routes: Beginning on state route number 5 at or near Centralia; thence by way of state route number 5 to its junction with state route number 12 or by way of state route number 507 between Centralia and Tenino; thence on state route number 507 to Roy junction with state route number 7; thence on state route number 7 to a junction with state route number 512; thence on state route number 512 to Puyallup; thence on state route numbers 410 and 167 to Sumner, Auburn, Kent and Renton; thence on state route number 405 to Kirkland; thence on state route number 405 north to a junction with state route number 522; thence on state route number 522 to a junction with state route number 9 northeast of Woodinville; and thence on state route number 9 to Snohomish, Arlington, Sedro Woolley, and to a junction with state

route number 542 at Deming; thence westerly on state route 542 to a junction with state route number 9 at Lawrence; thence on state route number 9 via Sumas, to the Canadian international boundary.

[1970 ex.s. c 51 § 175; 1961 c 13 § 47.22.010. Prior: 1951 c 273 § 1.]

RCW 47.22.020 Lewis and Clark Highway.

There is established the Lewis and Clark Highway, which shall be composed of the following existing routes: State route 193 from the junction of state route 12 at Clarkston to Wawawai River Road; state route 12 from Clarkston to Waitsburg; state route 124 from Waitsburg to Pasco (west); state route 12 from Pasco to Waitsburg via Wallula and Walla Walla (east); state routes 395 and 82 from state route 12, through the Tri-Cities region, to the junction at state route 14; state route 14 from the junction of state routes 395 and 82 to Maryhill; state routes 14 and 5 from Maryhill to state route 432 through Longview to state route 4; state route 4 from Longview to the junction with state route 101 near the vicinity of Johnson's landing; state route 401 from Naselle junction to Megler; state route 101 from Megler through Ilwaco and Seaview to the junction with state route 4; state route spur/alternate state route 101; state route loop 100; state route spur 100; and state route 103.

[1999 c 57 § 1; 1970 ex.s. c 51 § 176; 1967 ex.s. c 145 § 13; 1961 c 13 § 47.22.020. Prior: 1955 c 178 § 1.]

**Chapter 47.24 RCW
CITY STREETS AS PART OF STATE HIGHWAYS**

Sections

| | |
|-----------|---|
| 47.24.010 | Designation--Construction, maintenance--Return to city or town. |
| 47.24.020 | Jurisdiction, control. |
| 47.24.030 | Acquisition of rights of way--Condemnation proceedings. |
| 47.24.040 | Street fund--Expenditures on streets forming part of state highway. |
| 47.24.050 | Aid on streets by state or county--Payment. |

Notes:

City streets

parkways, boulevards, generally: Title 35 RCW.

sidewalks, etc.: Chapters 35.68 through 35.79 RCW.

Design standards committee for city streets: Chapter 35.78 RCW.

Off-street parking

cities: Chapter 35.86 RCW.

towns: RCW 35.27.550 through 35.27.590.

Platted streets as public highways: RCW 58.08.035, 58.08.050.

Speed limits in cities: RCW 46.61.415, 46.61.430, 46.61.440.

Viaducts, bridges, elevated roadways, tunnels, etc., in cities: Chapter 35.85 RCW.

RCW 47.24.010 Designation--Construction, maintenance--Return to city or town.

The transportation commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the department of transportation shall identify by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the department of transportation from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the department of transportation to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

[1998 c 245 § 97; 1979 ex.s. c 86 § 2; 1977 ex.s. c 151 § 57; 1973 c 95 § 3; 1961 c 13 § 47.24.010. Prior: 1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

Notes:

Severability--1979 ex.s. c 86: See note following RCW 13.24.040.

RCW 47.24.020 Jurisdiction, control.

The jurisdiction, control, and duty of the state and city or town with respect to such streets is as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway

purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets. However, pavement trenching and restoration performed as part of installation of such facilities must meet or exceed requirements established by the department;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction. Pavement trenching and restoration performed under a privilege granted by the city under this subsection must meet or exceed requirements established by the department;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of twenty-two thousand five hundred or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. When the population of a city or town first exceeds twenty-two thousand five hundred according to the determination of population by the office of financial management, the city or town shall have three years from the date of the determination to plan for additional staffing, budgetary, and equipment requirements before being required to assume the responsibilities under this subsection. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws and rules, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility must require the grantee or permittee to restore, repair, and replace any portion of the street damaged or injured by it to conditions that meet or exceed requirements established by the department;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and

towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of twenty-two thousand five hundred or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the department shall consult with the cities or towns concerning the plan before installing such signals, signs, or devices. Cities and towns having a population in excess of twenty-two thousand five hundred according to the latest determination of population by the office of financial management shall install, maintain, operate, and control such signals, signs, and devices at their own expense, subject to approval of the department for the installation and type only. When the population of a city or town first exceeds twenty-two thousand five hundred according to the determination of population by the office of financial management, the city or town shall have three years from the date of the determination to plan for additional staffing, budgetary, and equipment requirements before being required to assume the responsibilities under this subsection. For the purpose of this subsection, striping, lane marking, and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets belongs to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights of way so acquired shall vest in the city or town: PROVIDED, That no vacation, sale, rental, or any other nontransportation use of any unused portion of any such street may be made by the city or town without the prior written approval of the department; and all revenue derived from sale, vacation, rental, or any nontransportation use of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town fails to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the department for the maintenance of a city or town street forming part of the route of a state highway, the department may notify the mayor of the city or town to perform the necessary maintenance within thirty days. If the city or town

within the thirty days fails to perform the maintenance or fails to authorize the department to perform the maintenance as provided by RCW 47.24.050, the department may perform the maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to the city or town.

[2001 c 201 § 8; 1993 c 126 § 1; 1991 c 342 § 52; 1987 c 68 § 1; 1984 c 7 § 150; 1977 ex.s. c 78 § 7; 1967 c 115 § 1; 1963 c 150 § 1; 1961 c 13 § 47.24.020. Prior: 1957 c 83 § 3; 1955 c 179 § 3; 1953 c 193 § 1; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

NOTES:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.24.030 Acquisition of rights of way--Condemnation proceedings.

The department is authorized to acquire rights of way, by purchase, gift, or condemnation for any such streets, highways, bridges, and wharves. Any such condemnation proceedings shall be exercised in the manner provided by law for condemnation proceedings to acquire lands required for state highways.

[1984 c 7 § 151; 1961 c 13 § 47.24.030. Prior: 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Right of way donations: Chapter 47.14 RCW.

RCW 47.24.040 Street fund--Expenditures on streets forming part of state highway.

All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund shall be paid monthly to such incorporated cities and towns and shall, by the respective cities and towns, be placed in a fund to be designated as "city street fund" and disbursed as authorized and directed by the legislative authority of the city or town, as agents of the state, for salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, engineering or any other proper highway or street purpose in connection with the construction, alteration, repair, improvement or maintenance of any city street or bridge, or viaduct or underpassage along, upon or across such streets. Such expenditure may be made either independently or in conjunction with any federal, state or any county funds.

[1961 c 13 § 47.24.040. Prior: 1949 c 220 § 4; 1947 c 96 § 1; 1943 c 82 § 9; 1939 c 181 § 8; 1937 c 187 § 60; Rem. Supp. 1949 § 6450-60.]

RCW 47.24.050 Aid on streets by state or county--Payment.

If a city or town, whether or not any of its streets are designated as forming a part of a state highway, is unable to construct, repair, or maintain its streets for good cause, or if it is in need of engineering assistance to construct, repair, or maintain any of its streets, it may authorize the department to perform such construction, repair, or maintenance, or it may secure necessary

engineering assistance from the department, to the extent of the funds credited or to be credited in the motor vehicle fund for payment to the city or town. Any sums due from a city or town for such purposes shall be paid on vouchers approved and submitted by the department from moneys credited to the city or town in the motor vehicle fund, and the amount of the payments shall be deducted from funds which would otherwise be paid to the city or town from the motor vehicle fund. The department may in certain special cases, in its discretion, enter into an agreement with the governing officials of the city or town for the performance of such work or services, the terms of which shall provide for reimbursement of the motor vehicle fund for the benefit of the state's share of the fund by the city or town of the cost thereof from any funds of the city or town on hand and legally available for the work or services. The city or town may, by resolution, authorize the legislative authority of the county in which it is located, to perform any such construction, repair, or maintenance, and the work shall be paid for by the city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by a county shall be deposited in the county road fund to be expended under the same provisions as are imposed upon the funds used to perform the construction, repair, or maintenance.

[1984 c 7 § 152; 1961 c 13 § 47.24.050. Prior: 1951 c 54 § 1; 1949 c 220 § 6; 1943 c 82 § 11; 1937 c 187 § 63; Rem. Supp. 1949 § 6450-63.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Chapter 47.26 RCW
DEVELOPMENT IN URBAN AREAS--URBAN ARTERIALS

Sections

| | |
|-----------|--|
| 47.26.010 | Declaration of intent. |
| 47.26.020 | Motor vehicle fuel tax--Tax imposed--Rate--Distribution of proceeds. |
| 47.26.022 | Motor vehicle fuel tax--Tax required of nondistributors--Duties--Procedure--Distribution of proceeds--Penalties. |
| 47.26.028 | Special fuel tax--Tax imposed--Rate. |
| 47.26.030 | Special fuel tax--Disposition of funds. |
| 47.26.040 | "Urban area" defined. |
| 47.26.044 | "Board" defined. |
| 47.26.050 | Regional grouping for purpose of apportioning urban state highway funds. |
| 47.26.080 | Urban arterial trust account--Withholding of funds for noncompliance. |
| 47.26.084 | Transportation improvement account--Certification of funding. |
| 47.26.086 | Transportation improvement account projects--Intent--Limitations. |
| 47.26.090 | "Arterial" defined. |
| 47.26.100 | "City" defined. |
| 47.26.110 | "Urban arterial" defined. |
| 47.26.115 | Small city program. |
| 47.26.121 | Transportation improvement board--Membership--Chair--Expenses. |
| 47.26.130 | Transportation improvement board--Travel expenses. |

- 47.26.140 Transportation improvement board--Executive director, staff--Finances.
- 47.26.150 Transportation improvement board--Meetings.
- 47.26.160 Transportation improvement board--Powers and duties.
- 47.26.164 City hardship assistance program--Implementation.
- 47.26.165 Coordination of long-range needs studies.
- 47.26.167 Jurisdictional transfers.
- 47.26.170 Long-range arterial construction planning--Arterial inventory data.
- 47.26.185 Qualifications for administering and supervising projects--Rules.
- 47.26.190 Geographical diversity--Rules.
- 47.26.200 Counties--Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way.
- 47.26.210 Cities--Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way.
- 47.26.260 Payment of funds--Rules--Limitations.
- 47.26.270 Matching funds requirements.
- 47.26.300 Bicycle routes--Legislative declaration.
- 47.26.305 Bicycle routes--Use of board funds.
- 47.26.320 Advance right-of-way acquisition--Definition.
- 47.26.325 Advance right-of-way acquisition--Revolving fund.
- 47.26.330 Advance right-of-way acquisition--Management of properties and funds.

BOND ISSUE--STATE HIGHWAYS IN URBAN AREAS

- 47.26.400 Issuance and sale of general obligation bonds--Authorized--Amount--Declaration of purpose.
- 47.26.401 Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments.
- 47.26.402 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.
- 47.26.403 Bonds--Bond proceeds--Deposit and use.
- 47.26.404 Bonds--Statement describing nature of obligation--Pledge of excise taxes.
- 47.26.405 Bonds--Designation of funds to repay bonds and interest.
- 47.26.406 Bonds--Repayment procedure--Bond retirement fund.
- 47.26.407 Bonds--Sums in excess of retirement requirements--Use.

BOND ISSUE--COUNTY AND CITY ARTERIALS
IN URBAN AREAS

- 47.26.420 Issuance and sale of general obligation bonds--Authorized--Amount--Declaration of purpose.
- 47.26.421 Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments.
- 47.26.422 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.
- 47.26.423 Bonds--Bond proceeds--Deposit and use.
- 47.26.424 Bonds--Statement describing nature of obligation--Pledge of excise taxes.
- 47.26.425 Bonds--Designation of funds to repay bonds and interest.
- 47.26.4252 Bonds--Series II bonds, 1979 reenactment--Designation of funds to repay bonds and interest.
- 47.26.4254 Bonds--Series III bonds--Designation of funds to repay bonds and interest.
- 47.26.4255 Bonds--Series II bonds, 1979 reenactment--Charge against fuel tax revenues.
- 47.26.426 Bonds--Repayment procedure--Bond retirement account.
- 47.26.427 Bonds--Sums in excess of retirement requirements--Use.
- 47.26.440 Budget for expenditures from funds administered by board--Estimate of revenues.
- 47.26.450 Allocation of funds--Value engineering studies--Rules.
- 47.26.460 Increase in funds allocated to a project--Rules--Factors.

BOND ISSUE--TRANSPORTATION PROJECTS IN URBAN AREAS

| | |
|-----------|--|
| 47.26.500 | Issuance authorized. |
| 47.26.501 | Term--Signatures--Registration--Negotiable instruments. |
| 47.26.502 | Denominations--Manner and terms of sale--State investment. |
| 47.26.503 | Use of proceeds. |
| 47.26.504 | Statement of obligation--Pledge of excise taxes. |
| 47.26.505 | Funds for repayment. |
| 47.26.506 | Repayment procedure--Bond retirement account. |
| 47.26.507 | Sums in excess of retirement requirements--Use. |
| 47.26.900 | Severability--1967 ex.s. c 83. |
| 47.26.910 | Effective dates--1967 ex.s. c 83. |
| 47.26.930 | Construction--1969 ex.s. c 171. |

NOTES:

Bicycle transportation management program: RCW 47.04.190.

Public-private transportation initiatives--1994 act: RCW 47.10.834 through 47.10.839.

RCW 47.26.010 Declaration of intent.

Due to unprecedented industrial development and population increases, the state of Washington is confronted with emergency needs for improvement of state highways, county roads, and city streets in urban areas. It is the intent of the legislature to provide sufficient new highway revenues to alleviate and prevent intolerable traffic congestion in urban areas without the disruption of the long range state-wide highway program essential to the economic well-being of the people of this state.

[1967 ex.s. c 83 § 1.]

Notes:

Reviser's note: Throughout chapter 47.26 RCW the term "this 1967 amendatory act" has been translated to "this chapter." This 1967 amendatory act [1967 ex.s. c 83] consists of chapter 47.26 RCW and RCW 35.77.010, 36.81.121, 46.16.040, 46.16.070, 46.16.111, 46.16.121, 46.16.125, 46.68.100, 46.68.150, 82.36.020, 82.36.100, 82.37.030, 82.37.190, 82.40.020, 82.40.290, and the repeal of RCW 46.16.072, 46.16.075, 46.16.110, and 46.16.120.

RCW 47.26.020 Motor vehicle fuel tax--Tax imposed--Rate--Distribution of proceeds.

See RCW 82.36.020.

RCW 47.26.022 Motor vehicle fuel tax--Tax required of nondistributors--Duties--Procedure--Distribution of proceeds--Penalties.

See RCW 82.36.100.

RCW 47.26.028 Special fuel tax--Tax imposed--Rate.

See RCW 82.38.030.

RCW 47.26.030 Special fuel tax--Disposition of funds.

See RCW 82.38.290.

RCW 47.26.040 "Urban area" defined.

The term "urban area" as used in this chapter means every area of this state designated as an urban area by the department in cooperation with the board and regional transportation planning organizations.

[1994 c 179 § 7; 1984 c 7 § 153; 1977 ex.s. c 317 § 12; 1975 1st ex.s. c 253 § 1; 1967 ex.s. c 83 § 10.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.044 "Board" defined.

The term "board" as used in this chapter means the transportation improvement board.

[1994 c 179 § 6.]

RCW 47.26.050 Regional grouping for purpose of apportioning urban state highway funds.

For the purpose of apportioning urban state highway funds, the urban areas of the state are grouped within five regions of the state as follows:

(1) Puget Sound region shall include those urban areas within the counties of King, Pierce and Snohomish.

(2) Northwest region shall include those urban areas within the counties of Clallam, Jefferson, Island, Kitsap, San Juan, Skagit and Whatcom.

(3) Northeast region shall include those urban areas within the counties of Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman.

(4) Southeast region shall include those urban areas within the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla and Yakima.

(5) Southwest region shall include those urban areas within the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Skamania, Thurston and Wahkiakum.

[1967 ex.s. c 83 § 11.]

RCW 47.26.080 Urban arterial trust account--Withholding of funds for noncompliance.

There is hereby created in the motor vehicle fund the urban arterial trust account. The intent of the urban arterial trust account program is to improve the arterial street system of the state by improving mobility and safety while supporting an environment essential to the quality

of life of the citizens of the state of Washington. The city hardship assistance program, as provided in RCW 47.26.164, and the small city program, as provided for in RCW 47.26.115, are implemented within the urban arterial trust account.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county, city, or town identified by the governor under RCW 36.70A.340.

[1999 c 94 § 16; 1994 c 179 § 8; 1991 sp.s. c 32 § 32; 1988 c 167 § 13; 1981 c 315 § 2; 1979 c 5 § 1; 1977 ex.s. c 317 § 22; 1967 ex.s. c 83 § 14.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective date--1981 c 315: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 315 § 14.]

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.084 Transportation improvement account--Certification of funding.

The transportation improvement account is hereby created in the motor vehicle fund. The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our state-wide transportation system needs.

Within one year after board approval of an application for funding, a county, city, or transportation benefit district shall provide written certification to the board of the pledged local and/or private funding. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

[1999 c 94 § 17; 1994 c 179 § 10; 1988 c 167 § 2.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.086 Transportation improvement account projects--Intent--Limitations.

Transportation improvement account projects selected for funding programs after fiscal year 1995 are governed by the requirements of this section.

The board shall allocate funds from the account by June 30th of each year for the ensuing fiscal year to urban counties, cities with a population of five thousand and over, and to transportation benefit districts. Projects may include, but are not limited to, multi-agency projects and arterial improvement projects in fast-growing areas. The board shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our state-wide transportation system needs.

To be eligible to receive these funds, a project must be consistent with the Growth

Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law and consideration must have been given to the project's relationship, both actual and potential, with the state-wide rail passenger program and rapid mass transit. Projects must be consistent with any adopted high capacity transportation plan, must consider existing or reasonably foreseeable congestion levels attributable to economic development or growth and all modes of transportation and safety, and must be partially funded by local government or private contributions, or a combination of such contributions. Priority consideration shall be given to those projects with the greatest percentage of local or private contribution, or both.

Within one year after board approval of an application for funding, the lead agency shall provide written certification to the board of the pledged local and private funding for the phase of the project approved. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

[1994 c 179 § 11.]

RCW 47.26.090 "Arterial" defined.

The term "arterial" as used in this chapter means any state highway, county road, or city street, in an urban area, that is functionally classified as a principal arterial, minor arterial, or collector street by the department in cooperation with the board, regional transportation planning organizations, cities, and counties. The board shall develop criteria and procedures for designating arterials in the incorporated cities and towns lying outside urban areas.

[1994 c 179 § 12; 1988 c 167 § 14. Prior: 1967 ex.s. c 83 § 15.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.100 "City" defined.

The term "city" as used in *this chapter shall include incorporated towns.

[1967 ex.s. c 83 § 16.]

Notes:

***Reviser's note:** The term "this chapter" has been substituted for "this 1967 amendatory act." See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

RCW 47.26.110 "Urban arterial" defined.

The term "urban arterial" as used in *this chapter means an arterial within an urban area.

[1967 ex.s. c 83 § 17.]

Notes:

***Reviser's note:** The term "this chapter" has been substituted for "this 1967 amendatory act." See note following RCW 47.26.010 for codification of "this 1967 amendatory act." [1967 ex.s. c 83.]

RCW 47.26.115 Small city program.

The intent of the small city program is to preserve and improve the roadway system

consistent with local needs of incorporated cities and towns with a population of less than five thousand. The board shall adopt rules and procedures to govern the allocation of funds distributed to the small city program.

[1999 c 94 § 18; 1994 c 179 § 9.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

RCW 47.26.121 Transportation improvement board--Membership--Chair--Expenses.

(1) There is hereby created a transportation improvement board of twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) two representatives from the department of transportation; (c) two representatives of public transit systems; (d) a private sector representative; (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or

transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The port member shall be a commissioner or senior staff person of a public port.

(7) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(8) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(9) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, and private sector representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, or special needs transportation member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, or special needs transportation member resigns or is unable or unwilling to serve.

(10) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

(11) The board shall elect a chair from among its members for a two-year term.

(12) Expenses of the board shall be paid in accordance with RCW 47.26.140.

(13) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, public transportation benefit area, or regional transit authority.

[1996 c 49 § 1; 1995 c 269 § 2603; 1994 c 179 § 13; 1993 c 172 § 1. Prior: 1991 c 363 § 124; 1991 c 308 § 1; 1990 c 266 § 4; 1988 c 167 § 1.]

NOTES:

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Effective date--1993 c 172: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 172 § 2.]

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Effective date--1991 c 308: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 308 § 2.]

References to urban arterial board--1988 c 167: "References in the Revised Code of Washington to the urban arterial board shall be construed to mean the transportation improvement board." [1988 c 167 § 35.]

Savings--1988 c 167: "All rules and all pending business before the urban arterial board shall be continued and acted upon by the transportation improvement board. All existing contracts and obligations of the urban arterial board shall remain in full force and shall be performed by the transportation improvement board." [1988 c 167 § 36.]

Severability--1988 c 167: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 167 § 37.]

RCW 47.26.130 Transportation improvement board--Travel expenses.

Members of the transportation improvement board shall receive no compensation for their services on the board, but shall be reimbursed for travel expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[1988 c 167 § 15; 1975-'76 2nd ex.s. c 34 § 139; 1975 1st ex.s. c 1 § 2; 1969 ex.s. c 171 § 2; 1967 ex.s. c 83 § 19.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 47.26.140 Transportation improvement board--Executive director, staff--Finances.

The transportation improvement board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board, and may employ additional staff as it deems appropriate. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the urban arterial trust account, public transportation systems account, and the transportation improvement account in the motor vehicle fund as determined by the biennial appropriation.

[1999 c 94 § 19; 1996 c 49 § 2; 1995 c 269 § 2605; 1994 c 179 § 14; 1988 c 167 § 16; 1977 ex.s. c 151 § 58; 1975-'76 2nd ex.s. c 34 § 140; 1969 ex.s. c 171 § 3; 1967 ex.s. c 83 § 20.]

NOTES:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 47.26.150 Transportation improvement board--Meetings.

The transportation improvement board shall meet at least once quarterly and upon the call of its chairman and shall from time to time adopt rules and regulations for its own government and as may be necessary for it to discharge its duties and exercise its powers under this chapter.

[1988 c 167 § 17. Prior: 1967 ex.s. c 83 § 21.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.160 Transportation improvement board--Powers and duties.

The transportation improvement board shall:

- (1) Adopt rules necessary to implement the provisions of chapter 47.66 RCW and this chapter relating to the allocation of funds;
- (2) Adopt reasonably uniform design standards for city and county arterials.

[1995 c 269 § 2607; 1994 c 179 § 15; 1988 c 167 § 18; 1987 c 505 § 51; 1984 c 7 § 155; 1977 ex.s. c 235 § 17; 1971 ex.s. c 291 § 1; 1967 ex.s. c 83 § 22.]

NOTES:

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.164 City hardship assistance program--Implementation.

The board shall adopt reasonable rules necessary to implement the city hardship assistance program as recommended by the road jurisdiction study.

The following criteria shall be used to implement the program:

- (1) Only those cities with a net gain in cost responsibility due to jurisdictional transfers in chapter 342, Laws of 1991, as determined by the board, may participate;
- (2) Cities with populations of fifteen thousand or less, as determined by the office of financial management, may participate;
- (3) The board shall develop criteria and procedures under which eligible cities may request funding for rehabilitation projects on city streets acquired under chapter 342, Laws of 1991; and
- (4) The board shall also be authorized to allocate funds from the city hardship assistance program to cities with a population under twenty thousand to offset extraordinary costs associated with the transfer of roadways other than pursuant to chapter 342, Laws of 1991, that occur after January 1, 1991.

[1999 c 94 § 20; 1991 c 342 § 60.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.26.165 Coordination of long-range needs studies.

See RCW 47.01.240.

RCW 47.26.167 Jurisdictional transfers.

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The board is hereby directed, beginning September 1, 1991, to receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The board is required to utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The board shall forward to the legislative transportation committee by November 15 each year any recommended jurisdictional transfers.

[1991 c 342 § 62.]

Notes:

Effective dates--1991 c 342: "(1) Sections 62 and 63 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1991.

(2) The remainder of this act shall take effect April 1, 1992." [1991 c 342 § 68.]

RCW 47.26.170 Long-range arterial construction planning--Arterial inventory data.

Each county having within its boundaries an urban area and cities and towns shall prepare and submit to the transportation improvement board arterial inventory data required to determine the long-range arterial construction needs. The counties, cities, and towns shall revise the arterial inventory data every four years to show the current arterial construction needs through the advanced planning period, and as revised shall submit them to the transportation improvement board during the first week of January every four years beginning in 1996. The inventory data shall be prepared pursuant to guidelines established by the transportation improvement board. As information is updated, it shall be made available to the commission and the legislative transportation committee.

[1994 c 179 § 16; 1988 c 167 § 19; 1984 c 7 § 156; 1971 ex.s. c 291 § 2; 1967 ex.s. c 83 § 23.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.185 Qualifications for administering and supervising projects--Rules.

The transportation improvement board may adopt rules establishing qualifications for cities and counties administering and supervising the design and construction of projects financed in part from funds administered by the board. The rules establishing qualification shall take into account the resources and population of the city or county, its permanent engineering

staff, its design and construction supervision experience, and other factors the board deems appropriate. Any city or county failing to meet the qualifications established by the board for administering and supervising a project shall contract with a qualified city or county or the department for the administration and supervision of the design and construction of any approved project as a condition for receiving funds for the project.

[1994 c 179 § 17; 1988 c 167 § 21; 1984 c 7 § 157; 1975 1st ex.s. c 253 § 4.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.190 Geographical diversity--Rules.

The board shall adopt rules that provide geographical diversity in selecting improvement projects to be funded from the urban arterial trust account and *small city account funds.

[1994 c 179 § 18; 1988 c 167 § 22; 1987 c 360 § 1; 1981 c 315 § 4; 1979 c 151 § 162; 1977 ex.s. c 317 § 14; 1973 1st ex.s. c 126 § 2; 1971 ex.s. c 291 § 3; 1969 ex.s. c 171 § 4; 1967 ex.s. c 83 § 25.]

Notes:

***Reviser's note:** The "small city account" was renamed the "small city program" pursuant to 1999 c 94 § 18.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective date--1981 c 315: See note following RCW 47.26.080.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

Population determinations, office of financial management: Chapter 43.62 RCW.

RCW 47.26.200 Counties--Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way.

See RCW 36.81.121.

RCW 47.26.210 Cities--Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way.

See RCW 35.77.010.

RCW 47.26.260 Payment of funds--Rules--Limitations.

The transportation improvement board shall adopt rules providing for the approval of payments of funds in the accounts to a county, city, town, or transportation benefit district for costs of predesign, design, engineering, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the account share of the costs incurred to the date of the voucher covering such payment.

[1994 c 179 § 19; 1988 c 167 § 26; 1973 1st ex.s. c 126 § 1; 1967 ex.s. c 83 § 32.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.270 Matching funds requirements.

Counties, cities, towns, and transportation benefit districts receiving funds from the board shall provide such matching funds as established by rules adopted by the transportation improvement board. When determining matching requirements, the board shall consider (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes.

[1994 c 179 § 20; 1988 c 167 § 27; 1983 1st ex.s. c 49 § 22; 1977 ex.s. c 317 § 16; 1967 ex.s. c 83 § 33.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--Effective date--1983 1st ex.s. c 49: See RCW 36.79.900 and 36.79.901.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.300 Bicycle routes--Legislative declaration.

The state of Washington is confronted with emergency shortages of energy sources utilized for the transportation of its citizens and must seek alternative methods of providing public mobility.

Bicycles are suitable for many transportation purposes, and are pollution-free in addition to using a minimal amount of resources and energy. However, the increased use of bicycles for both transportation and recreation has led to an increase in both fatal and nonfatal injuries to bicyclists.

The legislature therefore finds that the establishment, improvement, and upgrading of bicycle routes is necessary to promote public mobility, conserve energy, and provide for the safety of the bicycling and motoring public.

[1974 ex.s. c 141 § 1.]

RCW 47.26.305 Bicycle routes--Use of board funds.

Bicycle routes shall, when established in accordance with RCW 47.06.100 be eligible for establishment, improvement, and upgrading with board funds. The board shall adopt rules and procedures that will encourage the development of a system of bicycle routes within counties, cities, and towns.

[1994 c 179 § 21; 1988 c 167 § 28; 1974 ex.s. c 141 § 2.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.320 Advance right-of-way acquisition--Definition.

The term "advance right-of-way acquisition" as used in this chapter means the acquisition of property and property rights, together with the engineering costs necessary for the advance right-of-way acquisition. Property or property rights purchased must be for projects approved by the transportation improvement board or the county road administration board as part of a city or county six-year plan or program.

[2001 c 201 § 1.]

RCW 47.26.325 Advance right-of-way acquisition--Revolving fund.

The city and county advance right-of-way revolving fund is created in the custody of the treasurer. The transportation improvement board is the administrator of the fund and may deposit directly and spend without appropriation.

The transportation improvement board and the county road administration board, in consultation with the association of Washington cities and the Washington association of counties, shall adopt reasonable rules and develop policies to implement this program.

[2001 c 201 § 2.]

RCW 47.26.330 Advance right-of-way acquisition--Management of properties and funds.

(1) After any properties or property rights are acquired through funds in the city and county advance right-of-way revolving fund, the acquiring city or county is responsible for the management of the properties in accordance with sound business practices and shall provide annual status reports to the board. Funds received by the city or county from the interim management of the properties must be deposited into the city and county advance right-of-way revolving fund.

(2) When the city or county proceeds with the construction of an arterial project that will require the use of any of the property so acquired, the city or county shall reimburse the city and county advance right-of-way revolving fund. Reimbursement must reflect the original cost of the acquired property or property rights required for the project plus an interest rate as determined annually by the board. The board shall report on the interest rate set to the transportation committees through its annual report.

(3) When the city or county determines that any properties or property rights acquired from funds in the city and county advance right-of-way revolving fund will not be required for an arterial construction project or the property has been held by the city or county for more than six years, the city or county shall either sell the property at fair market value or reimburse the fund at fair market value. All proceeds of the sale must be deposited in the city and county advance right-of-way revolving fund. At the board's discretion, a portion of savings on transportation improvement board projects realized through the use of the city and county advance [right-of-way] revolving fund may be deposited back into the city and county advance right-of-way revolving fund.

(4) Deposits in the fund may be reexpended without further or additional appropriations.

[2001 c 201 § 3.]

BOND ISSUE--STATE HIGHWAYS IN URBAN AREAS

RCW 47.26.400 Issuance and sale of general obligation bonds--Authorized--Amount--Declaration of purpose.

In order to provide funds necessary to meet the urgent needs for highway construction on state highways within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the commission. The amount of the bonds issued and sold under the provisions of RCW 47.26.400 through 47.26.407 in any biennium shall not exceed the amount of a specific appropriation therefor from the proceeds of such bonds, for the construction of state highways in urban areas. The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee which, upon request being made by the commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the commission.

[1984 c 7 § 161; 1973 1st ex.s. c 169 § 1; 1967 ex.s. c 83 § 36.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.401 Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments.

Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1973 1st ex.s. c 169 § 2; 1967 ex.s. c 83 § 37.]

RCW 47.26.402 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1967 ex.s. c 83 § 38.]

RCW 47.26.403 Bonds--Bond proceeds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways within the urban areas of the state, and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds.

[1967 ex.s. c 83 § 39.]

RCW 47.26.404 Bonds--Statement describing nature of obligation--Pledge of excise taxes.

Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.26.400 through 47.26.407 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and *chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.400 through 47.26.407, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.400 through 47.26.407.

[1973 1st ex.s. c 169 § 3; 1967 ex.s. c 83 § 40.]

Notes:

*Reviser's note: Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33; for later enactment see chapter 82.38 RCW.

RCW 47.26.405 Bonds--Designation of funds to repay bonds and interest.

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state under the provisions of RCW

46.68.090(1)(c) for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1999 c 269 § 5; 1977 ex.s. c 317 § 17; 1967 ex.s. c 83 § 41.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.406 Bonds--Repayment procedure--Bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.405, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1967 ex.s. c 83 § 42.]

RCW 47.26.407 Bonds--Sums in excess of retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1967 ex.s. c 83 § 43.]

BOND ISSUE--COUNTY AND CITY ARTERIALS
IN URBAN AREAS

RCW 47.26.420 Issuance and sale of general obligation bonds--Authorized--Amount--Declaration of purpose.

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there are hereby authorized for issuance general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of two hundred million dollars, and the second authorization of which, to be known as series II bonds, shall be in the sum of sixty million dollars, and the third authorization of which, to be known as series III bonds, shall be in the sum of one hundred million dollars which shall be issued and sold in such amounts and at such times as determined to be necessary by the state transportation commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state transportation commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state transportation commission.

[1981 c 315 § 5; 1979 c 5 § 3. Prior: 1977 ex.s. c 317 § 18; 1973 1st ex.s. c 169 § 4; 1967 ex.s. c 83 § 45.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Appropriation--Expenditure limited to bond sale proceeds--1981 c 315: "There is appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1983, the sum of thirty-five million dollars, or so much thereof as may be necessary, to carry out section 5 of this act: PROVIDED, That the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of bonds authorized by section 5 of this act and deposited to the credit of the urban arterial trust account in the motor vehicle fund." [1981 c 315 § 13.] Section 5 of this act is RCW 47.26.420.

Construction--1979 c 5: "Nothing in this 1979 act shall be construed to impair the obligations of any first authorization bonds issued or to be issued under RCW 47.26.420 through 47.26.427, or to enlarge the original authorization thereof over two hundred million dollars, and the retirement of and issuance of the remainder of the authorized amount of such bonds shall proceed in accordance with law under the supervision of the state finance committee." [1979 c 5 § 12.] For codification of 1979 c 5, see Codification Tables, Volume 0.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.421 Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments.

Each of such first authorization bonds, series II bonds, and series III bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, either or both of which signatures may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in

the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in Seattle or New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1986 c 290 § 3; 1981 c 315 § 6; 1979 c 5 § 4; 1973 1st ex.s. c 169 § 5; 1967 ex.s. c 83 § 46.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.422 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

The first authorization bonds, series II bonds, and series III bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued. Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 and 47.26.425 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1986 c 290 § 4; 1981 c 315 § 7; 1979 c 5 § 5; 1967 ex.s. c 83 § 47.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.423 Bonds--Bond proceeds--Deposit and use.

The money arising from the sale of the first authorization bonds, series II bonds, and series III bonds shall be deposited in the state treasury to the credit of the urban arterial trust account in the motor vehicle fund, and such money shall be available only for the construction and improvement of county and city urban arterials, and for payment of the expense incurred in the printing, issuance, and sale of any such bonds. The costs of obtaining insurance, letters of

credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1986 c 290 § 5; 1981 c 315 § 8; 1979 c 5 § 6; 1967 ex.s. c 83 § 48.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.424 Bonds--Statement describing nature of obligation--Pledge of excise taxes.

The first authorization bonds, series II bonds, and series III bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427, 47.26.425, and 47.26.4254 from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any such bonds and the interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all such bonds.

[1995 c 274 § 11; 1981 c 315 § 9; 1979 c 5 § 7; 1977 ex.s. c 317 § 19; 1973 1st ex.s. c 169 § 6; 1967 ex.s. c 83 § 49.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.425 Bonds--Designation of funds to repay bonds and interest.

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1999 sp.s. c 1 § 609. Prior: 1999 c 269 § 6; 1999 c 94 § 21; 1994 c 179 § 22; 1977 ex.s. c 317 § 20; 1967 ex.s. c 83 § 50.]

Notes:

Severability--Effective date--1999 sp.s. c 1: See notes following RCW 43.19.1906.

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.4252 Bonds--Series II bonds, 1979 reenactment--Designation of funds to repay bonds and interest.

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

[1999 sp.s. c 1 § 610. Prior: 1999 c 269 § 7; 1999 c 94 § 22; 1995 c 274 § 12; 1994 c 179 § 23; 1983 1st ex.s. c 49 § 23; 1979 c 5 § 8.]

Notes:

Severability--Effective date--1999 sp.s. c 1: See notes following RCW 43.19.1906.

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Severability--Effective date--1983 1st ex.s. c 49: See RCW 36.79.900 and 36.79.901.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.4254 Bonds--Series III bonds--Designation of funds to repay bonds and interest.

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the

first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.090(1)(i) and to the counties pursuant to RCW 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

[1999 sp.s. c 1 § 611. Prior: 1999 c 269 § 8; 1999 c 94 § 23; 1995 c 274 § 13; 1994 c 179 § 24; 1988 c 167 § 30; 1983 1st ex.s. c 49 § 24; 1981 c 315 § 10.]

Notes:

Severability--Effective date--1999 sp.s. c 1: See notes following RCW 43.19.1906.

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--Effective date--1983 1st ex.s. c 49: See RCW 36.79.900 and 36.79.901.

Effective date--1981 c 315: See note following RCW 47.26.080.

RCW 47.26.4255 Bonds--Series II bonds, 1979 reenactment--Charge against fuel tax revenues.

Except as otherwise provided by statute, the series II bonds issued under authority of

RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, the bonds authorized by RCW 47.60.560 through 47.60.640, and any general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

[1979 c 5 § 9.]

Notes:

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.426 Bonds--Repayment procedure--Bond retirement account.

At least one year prior to the date any interest is due and payable on such first authorization bonds, series II bonds, and series III bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.425, 47.26.4252, and 47.26.4254 the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer, subject to RCW 47.26.425, 47.26.4252, and 47.26.4254, shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the transportation improvement board bond retirement account, maintained in the office of the state treasurer, which fund shall be available for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1999 c 268 § 1; 1981 c 315 § 11; 1979 c 5 § 10; 1967 ex.s. c 83 § 51.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.427 Bonds--Sums in excess of retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the transportation improvement board bond retirement account, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund [account] to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1999 c 268 § 2; 1979 c 5 § 11; 1967 ex.s. c 83 § 52.]

Notes:

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.440 Budget for expenditures from funds administered by board--Estimate of revenues.

Not later than November 1st of each even-numbered year the transportation improvement board shall prepare and present to the commission for comment and recommendation an adopted budget for expenditures from funds administered by the board during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the several accounts and the amount, if any, of bond proceeds which the board determines should be made available through the sale of bonds in the ensuing biennium.

[1994 c 179 § 25; 1988 c 167 § 32; 1984 c 7 § 163; 1967 ex.s. c 83 § 54.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.450 Allocation of funds--Value engineering studies--Rules.

The board shall adopt rules and procedures to govern the allocation of funds subject to the appropriations actually approved by the legislature.

The board shall develop rules and procedures to require value engineering studies performed by an interagency team for certain board funded projects. When determining the process, the board shall consider the project cost, length, and complexity.

[1994 c 179 § 26; 1988 c 167 § 33; 1987 c 360 § 2; 1973 1st ex.s. c 126 § 3; 1969 ex.s. c 171 § 6.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.460 Increase in funds allocated to a project--Rules--Factors.

The board shall adopt reasonable rules pursuant to which funds allocated to a project may be increased upon a subsequent application of the county, city, town, or transportation benefit district constructing the project. The rules adopted by the board shall consider the following factors: (1) The financial effect of increasing the original allocation for the project upon other urban arterial projects either approved or requested; (2) whether the project for which an additional authorization is requested can be reduced in scope while retaining a usable segment; (3) whether the cost of the project shown in the original application was based upon reasonable engineering estimates; and (4) whether the requested additional authorization is to pay for an expansion in the scope of work originally approved.

[1994 c 179 § 27; 1969 ex.s. c 171 § 7.]

BOND ISSUE--TRANSPORTATION PROJECTS IN URBAN AREAS

RCW 47.26.500 Issuance authorized.

In order to provide funds necessary to meet the urgent construction needs on state, county, and city transportation projects, there are hereby authorized for issuance general obligation bonds of the state of Washington in the sum of one hundred million dollars, which shall be issued and sold in such amounts and at such times as determined to be necessary by the state transportation improvement board. The amount of such bonds issued and sold under the provisions of RCW 47.26.500 through 47.26.507 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of state, county, and city transportation projects. The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee which, upon request being made by the board, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the board.

[2000 2nd sp.s. c 6 § 1; 1994 c 179 § 28; 1993 c 440 § 1.]

RCW 47.26.501 Term--Signatures--Registration--Negotiable instruments.

Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, either or both of which signatures may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in Seattle or New York City, as to principal alone, or as to both principal and interest under such rules as the state treasurer may adopt. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1993 c 440 § 2.]

RCW 47.26.502 Denominations--Manner and terms of sale--State investment.

The bonds issued under RCW 47.26.500 through 47.26.507 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued pursuant to this section

shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued. Bonds issued under the provisions of RCW 47.26.500 through 47.26.507 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1993 c 440 § 3.]

RCW 47.26.503 Use of proceeds.

The money arising from the sale of the bonds shall be deposited in the state treasury to the credit of the transportation improvement account in the motor vehicle fund, and such money shall be available only for the construction and improvement of state, county, and city transportation projects, and for payment of the expense incurred in the printing, issuance, and sale of any such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1993 c 440 § 4.]

RCW 47.26.504 Statement of obligation--Pledge of excise taxes.

Bonds issued under the provisions of RCW 47.26.500 through 47.26.507 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.500 through 47.26.507 from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any such bonds and the interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all such bonds.

[1995 c 274 § 14; 1993 c 440 § 5.]

RCW 47.26.505 Funds for repayment.

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement

account in the motor vehicle fund under RCW 46.68.090(1)(h), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1999 sp.s. c 1 § 612. Prior: 1999 c 269 § 9; 1999 c 94 § 24; 1994 c 179 § 29; 1993 c 440 § 6.]

Notes:

Severability--Effective date--1999 sp.s. c 1: See notes following RCW 43.19.1906.

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

RCW 47.26.506 Repayment procedure--Bond retirement account.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.505 the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments under RCW 47.26.500 through 47.26.507 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer, subject to RCW 47.26.505, shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the transportation improvement board bond retirement account, maintained in the office of the state treasurer, which account shall be available for payment of principal and interest on bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1997 c 456 § 24; 1993 c 440 § 7.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 47.26.507 Sums in excess of retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the transportation improvement board bond retirement account, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund [account] to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1999 c 268 § 3; 1993 c 440 § 8.]

RCW 47.26.900 Severability--1967 ex.s. c 83.

If any provision of this 1967 amendatory act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provisions or application and to this end the provisions of this 1967 amendatory act are declared to be severable.

[1967 ex.s. c 83 § 55.]

RCW 47.26.910 Effective dates--1967 ex.s. c 83.

This 1967 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and sections 1 through 55 and section 56, renumbered "Sec. 62", shall take effect on the first day of the month following the approval of this act by the governor; sections 56 through 61 shall take effect on July 1, 1967 with respect to fees paid on or after July 1, 1967. Fees paid pursuant to RCW 46.16.070, 46.16.072, 46.16.075 or 46.16.120 prior to July 1, 1967 shall not be affected by this act.

[1967 ex.s. c 83 § 62.]

Notes:

Reviser's note: (1) Sections 1 through 55, chapter 83, Laws of 1967 ex. sess. are codified as chapter 47.26 RCW, RCW 35.77.010, 36.81.121, 46.68.100, 46.68.150, 82.36.020, 82.36.100, 82.37.030, 82.37.190, 82.40.020, and 82.40.290.

(2) Sections 56 through 61, chapter 83, Laws of 1967 ex. sess. consist of RCW 46.16.070, 46.16.111, 46.16.121, 46.16.040, 46.16.125 and the repeal of RCW 46.16.072, 46.16.075, 46.16.110, and 46.16.120.

RCW 47.26.930 Construction--1969 ex.s. c 171.

The rule of strict construction shall have no application to this 1969 act or to the provisions of chapter 47.26 RCW, and they shall be liberally construed in order to carry out an effective, efficient and equitable program of financial assistance to urban area cities and counties for arterial roads and streets.

[1969 ex.s. c 171 § 8.]

**Chapter 47.28 RCW
CONSTRUCTION AND MAINTENANCE OF HIGHWAYS**

| | |
|-----------|------------------------------|
| Sections | |
| 47.28.010 | Latitude in selecting route. |
| 47.28.020 | Width of right of way. |

| | |
|-----------|---|
| 47.28.025 | Description and plan of new or limited access highway--Recording. |
| 47.28.026 | Description and plan of new or limited access highway--Buildings and improvements prohibited, when. |
| 47.28.030 | Contracts--State forces--Monetary limits--Small businesses, minority, and women contractors--Rules. |
| 47.28.035 | Cost of project, defined. |
| 47.28.040 | Precontract preparation of maps, plans, and specifications--Filing. |
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| 47.28.075 | Financial information not open to public inspection. |
| 47.28.080 | Withdrawal of bids--New bids--Time fixed in call controls. |
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| 47.28.110 | Sureties--Qualifications--Additional sureties. |
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| 47.28.170 | Emergency protection and restoration of highways. |
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Notes:

Contractor's bond to pay labor, etc.: Chapter 39.08 RCW.

County road improvement districts: Chapter 36.88 RCW.

Design standards committee for city streets: Chapter 35.78 RCW.

Liens for labor, materials on public works: Chapter 60.28 RCW.

Size, weight, load of vehicles: Chapter 46.44 RCW.

Viaducts, bridges, elevated roadways, etc., authority of cities to construct: Chapter 35.85 RCW.

RCW 47.28.010 Latitude in selecting route.

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the transportation commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The department of transportation is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated

city or town.

[1977 ex.s. c 151 § 59; 1961 c 13 § 47.28.010. Prior: 1937 c 53 § 31; RRS § 6400-31.]

RCW 47.28.020 Width of right of way.

From and after April 1, 1937, the width of one hundred feet is the necessary and proper right of way width for state highways unless the department, for good cause, adopts and designates a different width. This section shall not be construed to require the department to acquire increased right of way for any state highway in existence on such date.

[1984 c 7 § 164; 1961 c 13 § 47.28.020. Prior: 1937 c 53 § 30; RRS § 6400-30; 1913 c 65 § 8; RRS § 6831.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.025 Description and plan of new or limited access highway--Recording.

Whenever the department establishes the location, width, and lines of any new highway, or declares any such new highway as a limited access facility and schedules the acquisition of the right of way for the highway or facility within the ensuing two years, it may cause the description and plan of any such highway to be made, showing the center line of the highway and the established width thereof, and attach thereto a certified copy of the resolution. Such description, plan, and resolution shall then be recorded in the office of the county auditor of the proper county.

[1999 c 233 § 5; 1984 c 7 § 165; 1977 ex.s. c 225 § 1; 1961 c 13 § 47.28.025. Prior: 1955 c 161 § 1.]

Notes:

Effective date--1999 c 233: See note following RCW 4.28.320.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.026 Description and plan of new or limited access highway--Buildings and improvements prohibited, when.

(1) No owner or occupier of lands, buildings, or improvements may erect any buildings or make any improvements within the limits of any such highway, the location, width, and lines of which have been established and recorded as provided in RCW 47.28.025. If any such erection and improvements are made, no allowances may be had therefor by the assessment of damages. No permits for improvements within the limits may be issued by any authority. The establishment of any highway location as set forth in RCW 47.28.025 is ineffective after one year from the filing thereof if no action to condemn or acquire the property within the limits has been commenced within that time.

(2) Unless and until the department causes a plan of a proposed new highway or limited access facility to be recorded in the office of the county auditor as authorized in RCW 47.28.025, nothing contained in RCW 47.28.025 or 47.28.026 may be deemed to restrict or restrain in any

manner the improvement, development, or other use by owners or occupiers of lands, buildings, or improvements within the limits of any proposed new or limited access highway or any proposed relocated or widened highway. Because of the uncertainties of federal aid and the state level of funding of proposed construction or improvement of state highways, plans for such improvements approved by the department shall be deemed tentative until filed with the county auditor as authorized in RCW 47.28.025 or until the department commences action to condemn or otherwise acquire the right of way for the highway improvements.

[1984 c 7 § 166; 1977 ex.s. c 225 § 2; 1961 c 13 § 47.28.026. Prior: 1955 c 161 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.030 Contracts--State forces--Monetary limits--Small businesses, minority, and women contractors--Rules.

A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right of way purposes may be repaired or renovated pending the use of such right of way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof is [are] less than fifty thousand dollars and effective July 1, 2005, sixty thousand dollars: PROVIDED, That when delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses, and minority, and women contractors to effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. The rules adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen, mechanics, and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

[1999 c 15 § 1; 1984 c 194 § 1; 1983 c 120 § 15; 1977 ex.s. c 225 § 3; 1973 c 116 § 1; 1971 ex.s. c 78 § 1; 1969 ex.s. c 180 § 2; 1967 ex.s. c 145 § 40; 1961 c 233 § 1; 1961 c 13 § 47.28.030. Prior: 1953 c 29 § 1; 1949 c 70 § 1, part; 1943 c 132 § 1, part; 1937 c 53 § 41, part; Rem. Supp. 1949 § 6400-41, part.]

Notes:

Effective date--Applicability--Severability--Conflict with federal requirements--1983 c 120: See RCW 39.19.910, 39.19.920.

Office of minority and women's business enterprises: Chapter 39.19 RCW.

RCW 47.28.035 Cost of project, defined.

The cost of any project for the purposes of RCW 47.28.030 shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously. The department shall not permit the construction of any project by state forces by dividing a project into units of work or classes of work to give the appearance of compliance with RCW 47.28.030.

[1984 c 194 § 2.]

RCW 47.28.040 Precontract preparation of maps, plans, and specifications--Filing.

Before entering into any contract for the construction, alteration, repair, or improvement of any state highway the department shall cause the highway to be surveyed throughout the entire length of the proposed construction, alteration, repair, or improvement and cause to be prepared maps, plans, and specifications, together with an estimate of the cost of the proposed work, and such information and directions as will enable a contractor to carry them out. The maps, plans, specifications, and directions shall be approved by the department and a copy thereof filed permanently in the department's office.

[1984 c 7 § 167; 1961 c 13 § 47.28.040. Prior: 1937 c 53 § 32, part; RRS § 6400-32, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.050 Call for bids.

Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the department of transportation shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in

not less than one trade paper of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the department deems necessary. When necessary to implement chapter 39.19 RCW and the rules adopted to implement that chapter, the department shall include in its call for bids provisions or specifications requiring bidders to comply with chapter 39.19 RCW and the rules adopted to implement it: PROVIDED, That when the estimated cost of any contract to be awarded is less than fifty thousand dollars, the call for bids need only be published in at least one paper of general circulation in the county where the major part of the work is to be performed: PROVIDED FURTHER, That when the estimated cost of a contract to be awarded is seven thousand five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the department of transportation need not publish a call for bids: PROVIDED FURTHER, That after a bid call has been advertised for two consecutive weeks it may be postponed and the bids opened one week later.

[1983 c 120 § 16; 1979 ex.s. c 69 § 1; 1977 c 65 § 1; 1973 c 116 § 2; 1969 ex.s. c 180 § 1; 1961 c 13 § 47.28.050. Prior: 1959 c 319 § 33; 1955 c 147 § 1; 1937 c 53 § 33; RRS § 6400-33.]

Notes:

Effective date--Applicability--Severability--Conflict with federal requirements--1983 c 120: See RCW 39.19.910, 39.19.920.

Office of minority and women's business enterprises: Chapter 39.19 RCW.

RCW 47.28.060 Copy of map, plans, etc.--Charge.

Any person, firm, or corporation is entitled to receive copies of the maps, plans, specifications, and directions for any work upon which call for bids has been published, upon request therefor and subsequent payment to the department of a reasonable sum as required by the department in the call for bids for each copy of such maps, plans, and specifications. Any money so received shall be certified by the department to the state treasurer and deposited to the credit of the motor vehicle fund. The department may deliver with or without charge informational copies of maps, plans, specifications, and directions at such places as it may designate.

[1985 c 242 § 1; 1984 c 7 § 168; 1971 c 36 § 1; 1965 ex.s. c 64 § 1; 1961 c 13 § 47.28.060. Prior: 1937 c 53 § 34; RRS § 6400-34.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.070 Form of bid--Data required--Requirements--Refusal to furnish form--Appeal.

Bid proposals upon any construction or improvement of any state highway shall be made upon contract proposal form supplied by the department and in no other manner. The department shall, before furnishing any person, firm, or corporation desiring to bid upon any

work for which a call for bid proposals has been published with a contract proposal form, require from the person, firm, or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of the person, firm, or corporation in performing state highway, road, or other public work. The questionnaire and financial statement shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds, and shall be submitted once a year and at such other times as the department may require. Whenever the department is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement or whenever the department determines that the person, firm, or corporation does not meet all of the requirements set forth in this section it may refuse to furnish the person, firm, or corporation with a contract proposal form, and any bid proposal of the person, firm, or corporation must be disregarded. In order to obtain a contract proposal form, a person, firm, or corporation shall have all of the following requirements:

- (1) Adequate financial resources or the ability to secure such resources;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

The refusal is conclusive unless appeal therefrom to the superior court of Thurston county is taken within five days, which appeal shall be heard summarily within ten days after it is taken and on five days' notice thereof to the department.

[1984 c 7 § 169; 1967 ex.s. c 145 § 39; 1961 c 13 § 47.28.070. Prior: 1937 c 53 § 35; RRS § 6400-35.]

NOTES:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.075 Financial information not open to public inspection.

The department of transportation shall not be required to make available for public inspection and copying financial information supplied by any person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for highway construction or improvement as required by RCW 47.28.070.

[1981 c 215 § 1.]

RCW 47.28.080 Withdrawal of bids--New bids--Time fixed in call controls.

Any person, firm, or corporation proposing a bid for the construction or improvement of any state highway in response to a call for bids published therefor may withdraw the bid proposal without forfeiture and without prejudice to the right of the bidder to file a new bid proposal before the time fixed for the opening of the bid proposals. The request for the

withdrawal shall be made in writing, signed by the person proposing the bid or his duly authorized agent, and filed at the place and before the time fixed in the call for bids for receipt of the bid proposals. No bid proposal may be considered that has not been filed with the department before the time fixed for the receipt of bid proposals. In any provisions regarding the filing or withdrawing of bid proposals the time fixed for the receipt of bid proposals in the call for bid proposals as published shall control without regard for the time when the bid proposals are actually opened.

[1985 c 242 § 2; 1984 c 7 § 170; 1961 c 13 § 47.28.080. Prior: 1937 c 53 § 36; RRS § 6400-36.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.090 Opening of bids and award of contract--Deposit.

At the time and place named in the call for bids the department of transportation shall publicly open and read the final figure in each of the bid proposals that have been properly filed and read only the unit prices of the three lowest bids, and shall award the contract to the lowest responsible bidder unless the department has, for good cause, continued the date of opening bids to a day certain, or rejected that bid. Any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract. If the lowest responsible bidder fails to meet the provisions or specifications requiring compliance with chapter 39.19 RCW and the rules adopted to implement that chapter, the department may award the contract to the next lowest responsible bidder which does meet the provisions or specifications or may reject all bids and readvertise. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid, and a bid shall not be considered unless the deposit is enclosed with it.

[1985 c 242 § 3; 1983 c 120 § 17; 1971 ex.s. c 21 § 2; 1961 c 13 § 47.28.090. Prior: 1955 c 83 § 1; 1949 c 64 § 1; 1937 c 53 § 37; Rem. Supp. 1949 § 6400-37.]

Notes:

Effective date--Applicability--Severability--Conflict with federal requirements--1983 c 120: See RCW 39.19.910, 39.19.920.

Office of minority and women's business enterprises: Chapter 39.19 RCW.

RCW 47.28.100 Failure or rejection of bidder.

If the successful bidder fails to enter into the contract and furnish satisfactory bond as provided by law within twenty days from the award, exclusive of the day of the award, his or her deposit shall be forfeited to the state and deposited by the state treasurer to the credit of the motor vehicle fund, and the department may award the contract to the second lowest responsible bidder. If the second lowest responsible bidder fails to enter into the contract and furnish bond within twenty days after award to him or her, forfeiture of his or her deposit shall also be made,

and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by a responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals are exhausted. If the contract is not executed or no contractor's bond provided within the time required, and there appear circumstances that are deemed to warrant an extension of time, the department may extend the time for execution of the contract or furnishing bond for not to exceed twenty additional days. After awarding the contract the deposits of unsuccessful bidders shall be returned, but the department may retain the deposit of the next lowest responsible bidder or bidders as it desires until such time as the contract is entered into and satisfactory bond is provided by the bidder to whom the award is ultimately made. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

If in the opinion of the department the acceptance of the bid of the lowest responsible bidder or bidders, or on prior failure of the lowest responsible bidder or bidders the acceptance of the bid of the remaining lowest responsible bidder or bidders, will not be for the best interest of the state, it may reject all bids or all remaining bids and republish a call for bids in the same manner as for an original publication thereof.

[1996 c 18 § 8; 1984 c 7 § 171; 1961 c 13 § 47.28.100. Prior: 1953 c 53 § 1; 1937 c 53 § 38; RRS § 6400-38.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.110 Sureties--Qualifications--Additional sureties.

At any time and as often as it may be deemed necessary, the department may require any or all sureties or any surety company to appear and qualify themselves upon any contractor's bond. Whenever the surety or sureties upon any contractor's bond become insufficient or are deemed by the department to have become insufficient, the department may demand in writing that the contracting person, firm, or corporation furnish such further contractor's bond or bonds or additional surety in an amount not exceeding that originally required as may be deemed necessary considering the extent of the work remaining to be done upon the contract. No further payments may be made on the contract until such additional surety as is required is furnished.

[1984 c 7 § 172; 1961 c 13 § 47.28.110. Prior: 1937 c 53 § 39; RRS § 6400-39.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.120 Actions for labor and materials--Limitation of action.

Any contracting person, firm, or corporation performing any labor or furnishing any materials upon their contract or otherwise for public work or improvement under the direction of the department or any person claiming any right of action upon any such contract with the state of Washington or who claims a cause of action against the state of Washington arising out of any

such contract must bring such suit in the proper court in Thurston county before the expiration of one hundred and eighty days from and after the final acceptance and the approval of the final estimate of such work by the department; otherwise the action is forever barred.

[1984 c 7 § 173; 1961 c 13 § 47.28.120. Prior: 1937 c 53 § 40; RRS § 6400-40.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.140 Highway, public transportation improvements, flood damage prevention--Cooperative agreements.

When in the opinion of the governing authorities representing the department and any agency, instrumentality, municipal corporation, or political subdivision of the state of Washington, any highway, road, or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving, or maintaining, or by the establishment adjacent to, under, upon, within, or above any portion of any such highway, road, or street of an urban public transportation system, by either the department or any agency, instrumentality, municipal corporation, or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform the work or improvement in the first instance. The work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from any project that assists in preventing or minimizing flood damages as defined in RCW 86.16.120 or from the construction of any public works project, including any urban public transportation system, the department may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation, or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of the particular public works project.

[1991 c 322 § 29; 1984 c 7 § 174; 1967 c 108 § 6; 1961 c 13 § 47.28.140. Prior: 1955 c 384 § 8.]

Notes:

Findings--Intent--1991 c 322: See note following RCW 86.12.200.

Severability--1984 c 7: See note following RCW 47.01.141.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.28.150 Underpasses, overpasses constructed with federal funds--Maintenance cost apportionment.

Notwithstanding any of the provisions of RCW 81.53.090, where the cost of constructing

an overpass or underpass which is part of the state highway system has been paid for in whole or in part by the use of federal funds, the state shall at its expense maintain the entire overpass structure and the approaches thereto, and the railroad company shall at its expense maintain the entire underpass structure, including the approaches thereto. The state shall at its expense maintain the roadway, and the railroad company shall at its expense maintain its roadbed and tracks on or under all such structures.

[1961 c 13 § 47.28.150. Prior: 1959 c 319 § 34.]

RCW 47.28.170 Emergency protection and restoration of highways.

(1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) The secretary shall review any contract exceeding two hundred thousand dollars awarded under subsection (1) or (2) of this section with the transportation commission at its next regularly scheduled meeting.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

[1990 c 265 § 1; 1984 c 7 § 175; 1971 ex.s. c 89 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.220 Compost products.

(1) A contract awarded in whole or in part for the purchase of compost products as a soil cover or soil amendment to state highway rights of way shall specify that compost products be purchased in accordance with the following schedule:

(a) For the period July 1, 1996, through June 30, 1997, twenty-five percent of the total

dollar amount purchased;

(b) For the period July 1, 1998, through June 30, 1999, fifty percent of the total dollar amount purchased. The percentages in this subsection apply to the materials' value and include services or other materials.

(2) In order to carry out the provisions of this section, the department of transportation shall develop and adopt bid specifications for compost products used in state highway construction projects.

(3)(a) For purposes of this section, "compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(b) For purposes of this section, "biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70.95J RCW.

[1996 c 198 § 4; 1992 c 174 § 14; 1991 c 297 § 14.]

Notes:

Captions not law--1991 c 297: See RCW 43.19A.900.

Chapter 47.30 RCW TRAILS AND PATHS

Sections

| | |
|-----------|---|
| 47.30.005 | Definitions. |
| 47.30.010 | Recreational trail interference. |
| 47.30.020 | Facilities for nonmotorized traffic--Joint usage of rights of way. |
| 47.30.030 | Facilities for nonmotorized traffic--Expenditure of available funds. |
| 47.30.040 | Establishing paths and trails--Factors to be considered. |
| 47.30.050 | Expenditures for paths and trails--Minimum amount. |
| 47.30.060 | Expenditures deemed to be for highway purposes--Powers and duties of department--Restrictions on use of paths and trails. |
| 47.30.070 | Bicycle, equestrian, pedestrian paths as public highways. |

Notes:

Recreation trails system: Chapter 79A.35 RCW.

RCW 47.30.005 Definitions.

For the purposes of this chapter, "trail" or "path" means a public way constructed primarily for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for the exclusive use of pedestrians. The term "trail" or "path" also includes a widened shoulder of a highway, street, or road when the extra shoulder width is constructed to accommodate bicyclists consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local

governmental authority either prior to such construction or prior to January 1, 1980.

[1979 ex.s. c 121 § 4.]

RCW 47.30.010 Recreational trail interference.

(1) No limited access highway shall be constructed that will result in the severance or destruction of an existing recreational trail of substantial usage for pedestrians, equestrians or bicyclists unless an alternative recreational trail, satisfactory to the authority having jurisdiction over the trail being severed or destroyed, either exists or is reestablished at the time the limited access highway is constructed. If a proposed limited access highway will sever a planned recreational trail which is part of a comprehensive plan for trails adopted by a state or local governmental authority, and no alternative route for the planned trail exists which is satisfactory to the authority which adopted the comprehensive plan for trails, the state or local agency proposing to construct the limited access highway shall design the facility and acquire sufficient right of way to accommodate future construction of the portion of the trail which will properly lie within the highway right of way. Thereafter when such trail is developed and constructed by the authority having jurisdiction over the trail, the state or local agency which constructed the limited access highway shall develop and construct the portion of such trail lying within the right of way of the limited access highway.

(2) Where a highway other than a limited access highway crosses a recreational trail of substantial usage for pedestrians, equestrians, or bicyclists, signing sufficient to insure safety shall be provided.

(3) Where the construction or reconstruction of a highway other than a limited access highway would destroy the usefulness of an existing recreational trail of substantial usage for pedestrians, equestrians, or bicyclists or of a planned recreational trail for pedestrians, equestrians, or bicyclists incorporated into the comprehensive plans for trails of the state or any of its political subdivisions, replacement land, space, or facilities shall be provided and where such recreational trails exist at the time of taking, reconstruction of said recreational trails shall be undertaken.

[1971 ex.s. c 130 § 1.]

RCW 47.30.020 Facilities for nonmotorized traffic--Joint usage of rights of way.

Facilities for pedestrians, equestrians, or bicyclists shall be incorporated into the design of highways and freeways along corridors where such facilities do not exist upon a finding that such facilities would be of joint use and conform to the comprehensive plans of public agencies for the development of such facilities, will not duplicate existing or proposed routes, and that safety to both motorists and to pedestrians, equestrians, and bicyclists would be enhanced by the segregation of traffic.

In planning and design of all highways, every effort shall be made consistent with safety to promote joint usage of rights of way for trails and paths in accordance with the comprehensive plans of public agencies.

[1971 ex.s. c 130 § 2.]

RCW 47.30.030 Facilities for nonmotorized traffic--Expenditure of available funds.

Where an existing highway severs, or where the right of way of an existing highway accommodates a trail for pedestrians, equestrians, or bicyclists or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially increase the motor vehicle safety, the provision of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail is hereby authorized. The department of transportation, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to expend reasonable amounts out of the funds made available to them, according to the provisions of RCW 46.68.090, as necessary for the planning, accommodation, establishment, and maintenance of such facilities.

[1999 c 269 § 10; 1979 ex.s. c 121 § 1; 1974 ex.s. c 141 § 12; 1972 ex.s. c 103 § 2.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Severability--1972 ex.s. c 103: "If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 103 § 8.]

RCW 47.30.040 Establishing paths and trails--Factors to be considered.

Before establishing paths and trails, the following factors shall be considered:

- (1) Public safety;
- (2) The cost of such paths and trails as compared to the need or probable use;
- (3) Inclusion of the trail in a plan for a comprehensive trail system adopted by a city or county in a state or federal trails plan.

[1972 ex.s. c 103 § 3.]

Notes:

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

RCW 47.30.050 Expenditures for paths and trails--Minimum amount.

(1) The amount expended by a city, town, or county as authorized by RCW 47.30.030 shall never in any one fiscal year be less than 0.42 percent of the total amount of funds received from the motor vehicle fund according to RCW 46.68.090. However, this section does not apply to a city or town in any year in which the 0.42 percent equals five hundred dollars or less, or to a county in any year in which the 0.42 percent equals three thousand dollars or less. Also, a city, town, or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund, to be held for not more than ten years, and to be expended for the

purposes required or permitted by RCW 47.30.030.

(2) In each fiscal year the department of transportation shall expend, as a minimum, for the purposes mentioned in RCW 47.30.030 a sum equal to three-tenths of one percent of all funds, both state and federal, expended for the construction of state highways in such year, or in order to more efficiently program trail improvements the department may defer any part of such minimum trail or path expenditures for a fiscal year for a period not to exceed four years after the end of such fiscal year. Any fiscal year in which the department expends for trail or path purposes more than the minimum sum required by this subsection, the amount of such excess expenditure shall constitute a credit which may be carried forward and applied to the minimum trail and path expenditure requirements for any of the ensuing four fiscal years.

(3) The department of transportation, a city, or a county in computing the amount expended for trails or paths under their respective jurisdictions may include the cost of improvements consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980.

[1999 c 269 § 11; 1979 ex.s. c 121 § 2; 1972 ex.s. c 103 § 4.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way: RCW 36.81.121.

RCW 47.30.060 Expenditures deemed to be for highway purposes--Powers and duties of department--Restrictions on use of paths and trails.

For the purposes of this chapter, the establishment of paths and trails and the expenditure of funds as authorized by RCW 47.30.030, as now or hereafter amended, shall be deemed to be for highway, road, and street purposes. The department of transportation shall, when requested, and subject to reimbursement of costs, provide technical assistance and advice to cities, towns, and counties in carrying out the purposes of RCW 47.30.030, as now or hereafter amended. The department shall recommend construction standards for paths and trails. The department shall provide a uniform system of signing paths and trails which shall apply to paths and trails under the jurisdiction of the department and of cities, towns, and counties. The department and cities, towns, and counties may restrict the use of paths and trails under their respective jurisdictions to pedestrians, equestrians, and nonmotorized vehicles.

[1979 ex.s. c 121 § 3; 1972 ex.s. c 103 § 5.]

Notes:

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

RCW 47.30.070 Bicycle, equestrian, pedestrian paths as public highways.

For purposes of 43 U.S.C. 912 and related provisions of federal law involving federally granted railroad rights of way, a bicycle, equestrian or pedestrian path shall be deemed to be a public highway under the laws of the state of Washington.

[1993 c 224 § 14.]

Chapter 47.32 RCW OBSTRUCTIONS ON RIGHT OF WAY

Sections

| | |
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| 47.32.160 | Approach roads, other appurtenances--Rules--Construction, maintenance of approach roads. |
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Notes:

Fences: Chapter 16.60 RCW.

Mobile home movement permits and decals: RCW 46.44.170 through 46.44.175.

Removal of disabled vehicle: RCW 46.55.113.

RCW 47.32.010 Order to remove obstructions--Removal by state.

Whenever the department determines and orders that it is necessary for the convenience and safety of public travel and the use of (or construction, alteration, repair, improvement, or maintenance of) any state highway to have the full width of right of way of any such state highway or of any portion of the right of way of any such state highway free from any and all obstructions, encroachments, and occupancy, other than pole lines, pipe lines, or other structures maintained thereon for public or quasi-public utilities by virtue of a valid franchise, and causes due notice of the order to be given as provided by law, the obstructions, encroachments, and means of occupancy, and any structure, building, improvement, or other means of occupancy of any of the right of way of the state highway not removed within the time allowed by law shall

become an unlawful property and may be confiscated, removed, and sold or destroyed by the state of Washington according to procedure as provided in this chapter, without any right in anyone to make any claim therefor, either by reason of the removal thereof or otherwise. It is unlawful for any person to keep, maintain, or occupy any such unlawful structure.

[1984 c 7 § 176; 1961 c 13 § 47.32.010. Prior: 1937 c 53 § 68; RRS § 6400-68.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.020 Notice of order, contents, posting--Return.

Whenever the department determines that the right of way of any state highway or any portion of the right of way of any state highway shall be made free from any and all obstructions, encroachments, and occupancy it shall forthwith cause to be posted, by a competent person eighteen years of age or over upon any and all structures, buildings, improvements, and other means of occupancy of the state highway or portion thereof, other than property of public or quasi-public utilities, by virtue of a valid franchise, a notice bearing a copy of the order and dated as of the date of posting, to all whom it may concern to vacate the right of way and to remove all property from the right of way within ten days after the posting of the notice, exclusive of the date of posting. The department shall also require the filing of duplicate affidavits in proof of the postings, showing upon what structures, buildings, improvements, or other means of occupancy of the state highway or portions thereof, respectively, copies of the notice were posted and the date of each such posting, sworn to by the person making the posting.

[1984 c 7 § 177; 1971 ex.s. c 292 § 46; 1961 c 13 § 47.32.020. Prior: 1937 c 53 § 69; RRS § 6400-69.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 47.32.030 Proceedings in rem authorized--Records certified.

In case the property or any portion thereof described in the notice is not removed from the right of way within ten days after the date of the posting, exclusive of the date of posting, all such property upon the right of way of the state highway or portion thereof becomes unlawful, and the department shall commence proceedings in the name of the state of Washington for the removal thereof by court action. The department shall thereupon prepare two original copies of the order together with two copies each of the notice posted and of the affidavits in proof of posting thereof and duplicate copies of a certificate by the department describing with reasonable certainty and with due reference to the center line stationing of the state highway and to proper legal subdivisional points, each structure, building, improvement, encroachment, or other means of occupancy, other than pole lines, pipe lines, or other structures maintained for public and quasi-public utilities, on the state highway or portion thereof specified in the order that remain upon the right of way as aforesaid. Thereupon action shall be commenced in rem for the purpose

of removal of all such unlawful property, in the superior court of the county in which the state highway or portion thereof containing the structures is situated, entitled and in the name of the state of Washington as plaintiff and describing each unlawful structure, building, improvement, encroachment, or other means of occupancy, which structures, buildings, improvements, encroachments, or other means of occupancy shall be briefly named as defendants.

[1984 c 7 § 178; 1961 c 13 § 47.32.030. Prior: 1937 c 53 § 70; RRS § 6400-70; prior: 1925 ex.s. c 131 § 3; RRS § 6837-3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.040 Complaint, contents.

The complaint shall, in such action, describe the property unlawfully remaining upon the right of way of the state highway or portion thereof with reasonable certainty by reference to the certificate of the department, which shall be attached to and filed with the complaint, and pray that an order be entered for the removal from the right of way of the state highway or portion thereof of all the described property unlawfully thereon and the disposal thereof.

[1984 c 7 § 179; 1961 c 13 § 47.32.040. Prior: 1937 c 53 § 71; RRS § 6400-71; prior: 1925 ex.s. c 131 § 4; RRS § 6837-4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.050 Notice, action, service, contents--Proceedings void when.

Service of such complaint shall be given by publication of notice thereof once a week for two successive weeks in a newspaper of general circulation in the county in which such action is commenced, which notice shall briefly state the objects of the action and contain a brief description of each structure, building, improvement, encroachment or other means of occupancy sought to be removed from the right of way of the state highway, describe such state highway or portion thereof by number and location and state the time and place when and where the action will come before the court or judge thereof; and a copy of such notice shall also be posted at least ten days before the date of hearing of such action upon each such structure, building, improvement, encroachment or other means of occupancy described therein. Posting may be made by any person qualified to serve legal process. Want of posting upon, or failure to describe any such structure, building, improvement, encroachment or other means of occupancy shall render subsequent proceedings void as to those not posted upon or described but all others described and posted upon shall be bound by the subsequent proceedings.

[1961 c 13 § 47.32.050. Prior: 1937 c 53 § 72; RRS 6400-72; prior: 1925 ex.s. c 131 § 5; RRS § 6837-5.]

RCW 47.32.060 Hearing--Findings--Order--Appellate review.

At the time and place appointed for hearing upon the complaint, which hearing shall be by summary proceedings, if the court or judge thereof finds that due notice has been given by posting and publication and that the order of the department was duly made, and is further satisfied and finds that the state highway or portion thereof described is legally a state highway having the width of right of way specified in the order and that the structure, buildings, improvements, or other means of occupancy of the state highway or portion thereof as stated in the certificate of the department do in fact encroach, or that any portion thereof encroach, upon the state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements, and other means of occupancy specified in the order is unlawfully maintained within the right of way and is subject to confiscation and sale and that they be forthwith confiscated, removed from the right of way, and sold, and providing that six days after the entry of the order, a writ shall issue from the court directed to the sheriff of the county, commanding the sheriff to seize and remove from the right of way of the state highway each such structure, building, improvement, or other means of occupancy specified in the order forthwith on receipt of a writ based on the order and to take and hold the property in his custody for a period of ten days, unless redelivered earlier as provided for by law, and if not then so redelivered to sell the property at public or private sale and to pay the proceeds thereof into the registry of the court within sixty days after the issuance of the writ, and further in such action, including costs of posting original notices of the department, the costs of posting and publishing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and credited to the motor vehicle fund. The order shall be filed with the clerk of the court and recorded in the minutes of the court, and is final unless appellate review thereof is sought within five days after filing of the order.

[1988 c 202 § 45; 1984 c 7 § 180; 1961 c 13 § 47.32.060. Prior: 1937 c 53 § 73; RRS § 6400-73; prior: 1925 ex.s. c 131 § 7; RRS § 6837-7.]

Notes:

Severability--1988 c 202: See note following RCW 2.24.050.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.070 Writ, execution of--Return--Disposition of unsold property.

Six days after filing of the order above provided for, if no review thereof be taken to the supreme court or the court of appeals of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order

directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed.

[1971 c 81 § 115; 1961 c 13 § 47.32.070. Prior: 1937 c 53 § 74; RRS § 6400-74; prior: 1925 ex.s. c 131 § 8; RRS § 6837-8.]

RCW 47.32.080 Property reclaimed--Bond.

At any time within ten days after the removal by virtue of such writ of any such property from the right of way of such state highway any person, firm, association or corporation claiming ownership or right of possession of any such property may have the right to demand and to receive the same from the sheriff upon making an affidavit that such claimant owns such property or is entitled to possession thereof, stating on oath the value thereof satisfactory to said sheriff, or which value shall be raised to a value satisfactory to said sheriff, which value shall be indorsed on said affidavit and signed both by said claimant and said sheriff before such sheriff shall be required to accept the bond hereinafter provided for, and deliver to the sheriff a bond with sureties in double the value of such property, conditioned that such claimant will appear in the superior court of such county within ten days after the bond is accepted by the sheriff and make good such claim of title thereto and pay all accrued costs of service of notice to remove, all costs and disbursements to be assessed to such property and the costs of removal and custody thereof and will hold said sheriff and the state of Washington free from any and all claims on account of such property or will return such property or pay its value to said sheriff, and that such claimant will at all times thereafter keep such property off the right of way of the state highway in question.

[1961 c 13 § 47.32.080. Prior: 1937 c 53 § 75; RRS § 6400-75; prior: 1925 ex.s. c 131 § 9; RRS § 6837-9.]

RCW 47.32.090 Sureties on bond--Hearing on claim.

The sureties on such bond shall justify as in other cases if the sheriff requires it and in case they do not so justify when required, the sheriff shall retain and sell or dispose of the property; and if the sheriff does not require the sureties to justify, he shall stand good for their sufficiency. He shall date and indorse his acceptance upon the bond, and shall return the affidavit, bond and justification, if any, to the office of the clerk of such superior court, whereupon such clerk shall set the hearing thereof as a separate case for trial, in which such claimant shall be the plaintiff and the sheriff and the state of Washington defendants: PROVIDED, That no costs shall, in such case, be assessed against the sheriff or the state of Washington in the event the plaintiff should prevail.

[1961 c 13 § 47.32.090. Prior: 1937 c 53 § 76; RRS § 6400-76; prior: 1925 ex.s. c 131 § 10; RRS § 6837-10.]

RCW 47.32.100 Procedure when claimant wins or loses.

If the claimant makes good the claimant's title to or right to possession of the property, upon payment into the registry of the court of the costs of service or posting of original notice

issued by the department with respect to the property, the cost of posting notice of hearing in the court and such proportion of the cost of publication of the notice as the court may fix and direct to be entered and the clerk's fees of filing the affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions, judgment shall be entered restoring the property to the claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the property and making return thereon, and continuing the effect of the bond for a period of six years thereafter for the benefit of such adverse claimants to the property, if any, as may thereafter make claim to the property. If the claimant does not make good such claim of title to or right to possession of the property, judgment shall be rendered against the claimant and the sureties of the claimant for the value of the property as finally shown by the affidavit as above provided for, together with such fees for filing the affidavit and bond as a separate action and for entry of judgment therein and other costs and disbursements as taxed in any civil action including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from the necessity of selling the property or making return thereon.

[1984 c 7 § 181; 1961 c 13 § 47.32.100. Prior: 1937 c 53 § 77; RRS § 6400-77; prior: 1925 ex.s. c 131 § 11; RRS § 6837-11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.110 Merchandising structures--Permit--Removal.

It is unlawful for any person to build, erect, establish, operate, maintain, or conduct along and upon the right of way of any state highway any platform, box, stand, or any other temporary or permanent device or structure used or to be used for the purpose of receiving, vending, or delivering any milk, milk cans, vegetables, fruits, merchandise, produce, or any other thing or commodity of any nature unless a permit therefor has first been obtained from the department. The department shall in each instance determine where any platform, box, stand, or any other temporary or permanent device or structure shall be permitted. Upon the existence of any such device or structure without a permit having been first obtained, it shall be considered an obstruction unlawfully upon the right of way of the state highway, and the department may proceed to effect its removal.

[1984 c 7 § 182; 1961 c 13 § 47.32.110. Prior: 1937 c 53 § 78; RRS § 6400-78; 1927 c 309 § 48; RRS § 6362-48; 1923 c 181 § 10; RRS § 6358-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.120 Business places along highway.

It is unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or customers of property adjoining the structure

or establishment unless the structure or establishment is located at a distance from the right of way of any state highway so that none of the right of way thereof is required for the use of the patrons or customers of the establishment. Any such structure erected or business maintained that makes use of or tends to invite patrons to use the right of way or any portion thereof of any state highway by occupying it while a patron is a public nuisance, and the department may fence the right of way of the state highway to prevent such unauthorized use thereof.

[1984 c 7 § 183; 1961 c 13 § 47.32.120. Prior: 1937 c 53 § 79; RRS § 6400-79.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.130 Dangerous objects and structures as nuisances--Logs--Abatement--Removal.

(1) Whenever there exists upon the right of way of any state highway or off the right of way thereof in sufficiently close proximity thereto, any structure, device, or natural or artificial thing that threatens or endangers the state highway or portion thereof, or that tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles or persons traveling thereon, the structure, device, or natural or artificial thing is declared to be a public nuisance, and the department is empowered to take such action as may be necessary to effect its abatement. Any such structure, device, or natural or artificial thing considered by the department to be immediately or eminently dangerous to travel upon a state highway may be forthwith removed, and the removal in no event constitutes a breach of the peace or trespass.

(2) Logs dumped on any state highway roadway or in any state highway drainage ditch due to equipment failure or for any other reason shall be removed immediately. Logs remaining within the state highway right of way for a period of thirty days shall be confiscated and removed or disposed of as directed by the department.

[1984 c 7 § 184; 1961 c 13 § 47.32.130. Prior: 1947 c 206 § 3; 1937 c 53 § 80; Rem. Supp. 1947 § 6400-80.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Obstructing highway, public nuisance: RCW 9.66.010.

Placing dangerous substances or devices on highway: RCW 9.66.050, 46.61.645, 70.93.060.

RCW 47.32.140 Railroad crossings, obstructions--Hearing.

Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a state highway for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. The department shall cause brush and timber to be cleared from the right of way of a state highway in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. It is

unlawful to erect or maintain a sign, signboard, or billboard, except official highway signs and traffic devices and railroad warning or operating signs, outside the corporate limits of any city or town within a distance of one hundred feet from the point of intersection of the highway and railroad grade crossing unless, after thirty days notice to the Washington utilities and transportation commission and the railroad operating the crossing, the department determines that it does not obscure the sight distance of a person operating a vehicle or train approaching the grade crossing.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a state highway or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the department or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing. However, nothing in this section prevents the posting or maintaining of any legal notice or sign, signal, or traffic device required or permitted to be posted or maintained, or the placing and maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs are approved by the department. The department shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.

[1983 c 19 § 2; 1961 c 13 § 47.32.140. Prior: 1955 c 310 § 7; 1937 c 53 § 81; RRS § 6400-81; prior: 1923 c 129 §§ 1-6; RRS §§ 10510-1--10510-6.]

Notes:

Railroad grade crossings, obstructions: RCW 36.86.100.

RCW 47.32.150 Approach roads, other appurtenances--Permit.

No person, firm, or corporation may be permitted to build or construct on state highway rights of way any approach road or any other facility, thing, or appurtenance not heretofore permitted by law, without first obtaining written permission from the department.

[1984 c 7 § 185; 1961 c 13 § 47.32.150. Prior: 1947 c 201 § 1; Rem. Supp. 1947 § 6402-50.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.160 Approach roads, other appurtenances--Rules--Construction, maintenance of approach roads.

The department is hereby authorized and empowered at its discretion to adopt reasonable rules governing the issuance of permits under RCW 47.32.150 for the construction of any

approach road, facility, thing, or appurtenance, upon state highway rights of way. The rules shall be designed to achieve and preserve reasonable standards of highway safety and the operational integrity of the state highway facility. Any permit issued may contain such terms and conditions as may be prescribed. All such construction shall be under the supervision of the department and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing, or appurtenance, it shall be maintained at the expense of the applicant and in accordance with the directions of the department.

[1987 c 227 § 1; 1984 c 7 § 186; 1961 c 13 § 47.32.160. Prior: 1947 c 201 § 2; Rem. Supp. 1947 § 6402-51.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.170 Approach roads, other appurtenances--Removal of installations from right of way for default.

Upon failure of the applicant to construct or maintain the particular approach road, facility, thing, or appurtenance in accordance with the conditions of the permit and in accordance with the rules of the department, the department may, after the expiration of thirty days following transmittal of a written notice to the applicant, remove all installations upon the right of way at the expense of the applicant, which expense may be recovered from the applicant by the department for the state in any court of competent jurisdiction.

[1984 c 7 § 187; 1961 c 13 § 47.32.170. Prior: 1947 c 201 § 3; Rem. Supp. 1947 § 6402-52.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

**Chapter 47.36 RCW
TRAFFIC CONTROL DEVICES**

Sections

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Notes:

County roads, signs, signals, guideposts--Standards: RCW 36.86.040.

Range areas, signs: RCW 16.24.060.

Rules of the road: Chapter 46.61 RCW.

RCW 47.36.005 Definitions.

The definitions set forth in this section apply throughout this chapter.

(1) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(2) "Interstate system" means a state highway that is or becomes part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.

(3) "Maintain" means to allow to exist.

(4) "Primary system" means a state highway that is or becomes part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

(5) "Scenic system" means (a) a state highway within a public park, federal forest area, public beach, public recreation area, or national monument, (b) a state highway or portion of a highway outside the boundaries of an incorporated city or town designated by the legislature as a part of the scenic system, or (c) a state highway or portion of a highway outside the boundaries of an incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW

47.42.025.

(6) "Motorist information sign panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS," "FOOD," "LODGING," "CAMPING," "RECREATION," or "TOURIST ACTIVITIES" and directional information; and

(b) One or more individual business signs mounted on the panel.

(7) "Business sign" means a separately attached sign mounted on the motorist information sign panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants, and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Messages, trademarks, or brand symbols that interfere with, imitate, or resemble an official warning or regulatory traffic sign, signal, or device are prohibited.

(8) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(9) "Tourist-oriented directional sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(10) "Qualified tourist-oriented business" means a lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(11) "Adopt-a-highway sign" means a sign on a state highway right of way referring to the departments' adopt-a-highway litter control program.

[1999 c 201 § 1; 1991 c 94 § 3.]

RCW 47.36.010 Restoration of United States survey markers.

The department shall fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey whenever any such original monuments or markers fall within the right of way of any state highway, and aid in the reestablishment of any such corners, monuments, or markers destroyed or obliterated by the construction of any state highway by permitting inspection of the records in the department's office.

[1984 c 7 § 188; 1961 c 13 § 47.36.010. Prior: 1937 c 53 § 42; RRS § 6400-42; 1931 c 117 § 1; RRS § 6830-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.020 Traffic control signals.

The secretary of transportation shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

[1977 ex.s. c 151 § 60; 1961 c 13 § 47.36.020. Prior: 1937 c 53 § 50; RRS § 6400-50; prior: 1927 c 309 § 6; RRS § 6362-6.]

RCW 47.36.030 Traffic control devices--Specifications to be furnished to counties and cities.

The secretary of transportation shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The department of transportation shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location approved by the secretary. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

[1977 ex.s. c 151 § 61; 1961 c 13 § 47.36.030. Prior: 1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]

RCW 47.36.040 Furnished by department, paid for by counties and cities.

The department, upon written request, shall cause to be manufactured, painted, and printed, and shall furnish to any county legislative authority or the governing body of any

incorporated city or town, directional signboards, guide boards, and posts of the uniform state standard of color, shape, and design for the erection and maintenance thereof by the county legislative authority or the governing body of any incorporated city or town upon the roads and streets within their respective jurisdictions. The directional signboards, guide boards, and posts shall be manufactured and furnished, as aforesaid, pursuant to written request showing the number of signs desired and the directional or guide information to be printed thereon. The department shall fix a charge for each signboard, guide board, and post manufactured and furnished as aforesaid, based upon the ultimate cost of the operations to the department, and the county legislative authority, from the county road fund, and the governing body of any incorporated city or town, from the street fund, shall pay the charges so fixed for all signboards, guide boards, and posts so received from the department.

[1984 c 7 § 189; 1961 c 13 § 47.36.040. Prior: 1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.050 Duty to erect traffic devices on state highways and railroad crossings.

The department shall erect and maintain upon every state highway in the state of Washington suitable and proper signs, signals, signboards, guideposts, and other traffic devices according to the adopted and designated state standard of design, erection, and location, and in the manner required by law. The department shall erect and maintain upon all state highways appropriate stop signs, warning signs, and school signs. Any person, firm, corporation, or municipal corporation, building, owning, controlling, or operating a railroad that crosses any state highway at grade shall construct, erect, and maintain at or near each point of crossing, or at such point or points as will meet the approval of the department, a sign of the type known as the saw buck crossing sign with the lettering "railroad crossing" inscribed thereon and also a suitable inscription indicating the number of tracks. The sign must be of standard design that will comply with the plans and specifications furnished by the department. Additional safety devices and signs may be installed at any time when required by the utilities and transportation commission as provided by laws regulating railroad-highway grade crossings.

[1984 c 7 § 190; 1961 c 13 § 47.36.050. Prior: 1937 c 53 § 49; RRS § 6400-49; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; RRS § 6303, part; 1919 c 146 § 1; 1917 c 78 § 2; RRS § 6304. FORMER PART OF SECTION: 1937 c 53 § 51 now in RCW 47.36.053.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.053 General duty to place and maintain traffic devices on state highways and railroad crossings.

The department shall place and maintain such traffic devices conforming to the manual

and specifications adopted upon all state highways as it deems necessary to carry out the provisions of this title or to regulate, warn, or guide traffic.

[1984 c 7 § 191; 1961 c 13 § 47.36.053. Prior: 1937 c 53 § 51; RRS § 6400-51. Formerly RCW 47.36.050, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.060 Traffic devices on county roads and city streets.

Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and towns having a population of over fifteen thousand according to the latest federal census, shall adequately equip with traffic devices, streets that are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. The traffic devices, signs, signals, and markers shall comply with the uniform state standard for the manufacture, display, direction, and location thereof as designated by the department. The design, location, erection, and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to the city or town or connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the department, and if the city or town fails to comply with any such directions, the department shall provide for the design, location, erection, or operation thereof, and any cost incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state that have accrued or may accrue to the credit of the city or town, and the state treasurer shall issue warrants therefor upon vouchers submitted and approved by the department.

[1984 c 7 § 192; 1961 c 13 § 47.36.060. Prior: 1955 c 179 § 4; 1939 c 81 § 1; 1937 c 53 § 52; RRS § 6400-52.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.070 Failure to erect signs, procedure.

Whenever any person, firm, corporation, municipal corporation, or local authorities responsible for the erection and maintenance, or either, of signs at any railroad crossing or point of danger upon any state highway fails, neglects, or refuses to erect and maintain, or either, the sign or signs as required by law at highway-railroad grade crossings, the utilities and transportation commission shall upon complaint of the department or upon complaint of any party interested, or upon its own motion, enter upon a hearing in the manner provided by law for hearings with respect to railroad-highway grade crossings and make and enforce proper orders for the erection or maintenance of the signs, or both.

[1984 c 7 § 193; 1961 c 13 § 47.36.070. Prior: 1937 c 53 § 54; RRS § 6400-54.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.080 Signs at railroad crossings.

Wherever it is considered necessary or convenient the department may erect approach and warning signs upon the approach of any state highway to a highway-railroad grade crossing situated at a sufficient distance therefrom to make the warning effective. The department may further provide such additional or other highway-railroad grade crossing markings as may be considered to serve the interests of highway safety.

[1984 c 7 § 194; 1961 c 13 § 47.36.080. Prior: 1937 c 53 § 57; RRS § 6400-57.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.090 Cooperation with United States on road markers.

Standard federal road markers shall be placed on state highways in the manner requested by the department of transportation of the United States. The department of transportation of the state of Washington is authorized and empowered to cooperate with the several states and with the federal government in promoting, formulating, and adopting a standard and uniform system of numbering or designating state highways of an interstate character and in promoting, formulating, and adopting uniform and standard specifications for the manufacture, display, erection, and location of road markers and signs, for the information, direction, and control of persons traveling upon public highways.

[1984 c 7 § 195; 1961 c 13 § 47.36.090. Prior: 1937 c 53 § 55; RRS § 6400-55; prior: 1925 c 24 § 1; RRS § 6303-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.095 Highway designation system--Signs.

The department is hereby authorized to establish a continuing system for the designating of state highways and branches or portions thereof, heretofore established by the legislature of the state of Washington, to give designations to such state highways and branches, or portions thereof, in accord with that system, and to install signs in accord therewith on such state highways and branches, or portions thereof. The system may be changed from time to time and shall be extended to new state highways and branches, or portions thereof, as they are hereafter established by the legislature.

[1984 c 7 § 196; 1967 ex.s. c 145 § 43; 1963 c 24 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.
Classification of highways: RCW 47.04.020.

RCW 47.36.097 Highway designation system--Filing.

Designations or redesignations assigned under the system by the department pursuant to RCW 47.36.095 as each is made, shall be filed with the secretary of state and with the auditor of each county. Thereafter such highways shall be so designated for all purposes.

[1984 c 7 § 197; 1967 ex.s. c 145 § 46.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.100 Directional, caution, and stop signs.

Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary and secondary state highways. The department may place such directional signs as it deems necessary upon any city streets designated by it as forming a part of the route of any primary or secondary state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary and secondary state highways in a manner provided by law. Stop signs shall be placed, erected, and maintained by the department as follows: Upon all county roads at the point of intersection with any arterial primary or secondary state highway; upon all primary and secondary state highways at the point of intersection with any county road that has been designated by the department as an arterial having preference over the traffic on the state highway; and upon at least one state highway at the intersection of two state highways.

[1984 c 7 § 198; 1967 ex.s. c 145 § 38; 1961 c 13 § 47.36.100. Prior: 1947 c 206 § 1; 1937 c 53 § 56; Rem. Supp. 1947 § 6400-56.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.110 Stop signs, "Yield" signs--Duties of persons using highway.

In order to provide safety at intersections on the state highway system, the department may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state department of transportation's "Manual on Uniform Traffic Control Devices for Streets and Highways." All persons traveling upon the highway shall come to a complete stop at such a sign, and the appearance of any sign so located is sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through that portion of the highway in a careful manner and at a reasonable rate of speed not to exceed twenty miles per

hour. It is unlawful to fail to comply with the directions of any such stop sign. When the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the department or local authorities in their respective jurisdictions shall install and maintain a "Yield" sign.

[1984 c 7 § 199; 1963 ex.s. c 3 § 49; 1961 c 13 § 47.36.110. Prior: 1955 c 146 § 6; 1937 c 53 § 59; RRS § 6400-59.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.
Arterial highways designated--Stopping on entering: RCW 46.61.195.

RCW 47.36.120 City limit signs.

The department shall erect wherever it deems necessary upon state highways at or near their point of entrance into cities and towns, signs of the standard design designating the city or town limits of the cities or towns.

[1984 c 7 § 200; 1961 c 13 § 47.36.120. Prior: 1937 c 53 § 58; RRS § 6400-58.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.130 Meddling with signs prohibited.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control signal, traffic device or railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.

[1961 c 13 § 47.36.130. Prior: 1937 c 53 § 53; RRS § 6400-53.]

Notes:

Defacing, injuring, or destroying signs: RCW 46.61.080.
Imitation of signs: RCW 46.61.075.
Structures concealing signs prohibited: RCW 46.61.075.
Unlawful erection of traffic devices: RCW 46.61.075.

RCW 47.36.180 Forbidden devices--Penalty.

It is unlawful to erect or maintain at or near a city street, county road, or state highway any structure, sign, or device:

(1) Visible from a city street, county road, or state highway and simulating any directional, warning, or danger sign or light likely to be mistaken for such a sign or bearing any such words as "danger," "stop," "slow," "turn," or similar words, figures, or directions likely to be construed as giving warning to traffic;

(2) Visible from a city street, county road, or state highway and displaying any red, green, blue, or yellow light or intermittent or blinking light or rotating light identical or similar

in size, shape, and color to that used on any emergency vehicle or road equipment or any light otherwise likely to be mistaken for a warning, danger, directional, or traffic control signal or sign;

(3) Visible from a city street, county road, or state highway and displaying any lights tending to blind persons operating vehicles upon the highway, city street, or county road, or any glaring light, or any light likely to be mistaken for a vehicle upon the highway or otherwise to be so mistaken as to constitute a danger; or

(4) Visible from a city street, county road, or state highway and flooding or intending to flood or directed across the roadway of the highway with a directed beam or diffused light, whether or not the flood light is shielded against directing its flood beam toward approaching traffic on the highway, city street, or county road.

Any structure or device erected or maintained contrary to the provisions of this section is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the owner thereof that it constitutes a public nuisance and must be removed, and if the owner fails to do so, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town may abate the nuisance.

If the owner fails to remove any such structure or device within fifteen days after being notified to remove the structure or device, he is guilty of a misdemeanor.

[1984 c 7 § 201; 1961 c 13 § 47.36.180. Prior: 1957 c 204 § 1; 1937 c 53 § 62; RRS § 6400-62.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.200 Signs or flagmen at thoroughfare work sites.

When construction, repair, or maintenance work is conducted on or adjacent to a public highway, county road, street, bridge, or other thoroughfare commonly traveled and when the work interferes with the normal and established mode of travel on the highway, county road, street, bridge, or thoroughfare, the location shall be properly posted by prominently displayed signs or flagmen or both. Signs used for posting in such an area shall be consistent with the provisions found in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the department of transportation.

[1984 c 7 § 202; 1961 c 13 § 47.36.200. Prior: 1957 c 95 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.210 Signs or flaggers--Contractor compliance.

Any contractor, firm, corporation, political subdivision, or other agency performing such work shall comply with RCW 47.36.200 through 47.36.230.

[1961 c 13 § 47.36.210. Prior: 1957 c 95 § 2.]

RCW 47.36.220 Signs or flaggers--Obedience by work vehicles.

Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and flaggers stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle.

[2000 c 239 § 8; 1961 c 13 § 47.36.220. Prior: 1957 c 95 § 3.]

Notes:

Captions not law--2000 c 239: See note following RCW 49.17.350.

RCW 47.36.230 Signs or flaggers--Penalty.

A violation of or a failure to comply with any provision of RCW 47.36.200 through 47.36.220 shall be a misdemeanor. Each day upon which there is a violation, or there is a failure to comply, shall constitute a separate violation.

[1961 c 13 § 47.36.230. Prior: 1957 c 95 § 4.]

RCW 47.36.250 Dangerous road conditions requiring special tires, chains, or traction equipment--Signs or devices--Penalty.

If the department or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains, or traction equipment in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

- (1) Dangerous road conditions, chains or other approved traction devices recommended.
- (2) Dangerous road conditions, chains or other approved traction devices required.
- (3) Dangerous road conditions, chains required.

Any equipment that may be required by this section shall be approved by the state patrol as authorized under RCW 46.37.420.

The department shall place and maintain signs and other traffic control devices on the public highways that indicate the tire, tire chain, or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1st to April 1st, but when the department determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to all types of tires including studded tires. The signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or

maintained under this section is a misdemeanor.

[1987 c 330 § 747; 1984 c 7 § 203; 1975 1st ex.s. c 255 § 1; 1969 ex.s. c 7 § 2.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1984 c 7: See note following RCW 47.01.141.

Restrictions as to tire equipment, metal studs: RCW 46.37.420.

RCW 47.36.260 Signs indicating proper lane usage.

The department shall erect signs on multilane highways indicating proper lane usage.

[1986 c 93 § 6.]

Notes:

Keep right except when passing, etc: RCW 46.61.100.

RCW 47.36.270 Regional shopping center directional signs.

Regional shopping center directional signs shall be erected and maintained on state highway right of way if they meet each of the following criteria:

(1) There shall be at least five hundred thousand square feet of retail floor space available for lease at the regional shopping center;

(2) The regional shopping center shall contain at least three major department stores that are owned by a national or regional retail chain organization;

(3) The shopping center shall be located within one mile of the roadway;

(4) The center shall generate at least nine thousand daily one-way vehicle trips to the center;

(5) There is sufficient space available for installation of the directional sign as specified in the Manual On Uniform Traffic Control Devices;

(6) Supplemental follow-through directional signing is required at key decision points to direct motorists to the shopping center if it is not clearly visible from the point of exit from the main traveled way.

The department shall collect from the regional shopping center a reasonable fee based upon the cost of erection and maintenance of the directional sign.

[1987 c 469 § 1.]

RCW 47.36.280 Pavement marking standards.

The department of transportation shall, by January 1, 1992, adopt minimum pavement marking standards for the area designating the limits of the vehicle driving lane along the right edge for arterials that do not have curbs or sidewalks and are inside urbanized areas. In preparing the standards, the department of transportation shall take into consideration all types of pavement markings, including flat, raised, and recessed markings, and their effect on pedestrians, bicycle,

and motor vehicle safety.

The standards shall provide that a jurisdiction shall conform to these requirements, at such time thereafter that it undertakes to (1) renew or install permanent markings on the existing or new roadway, and (2) remove existing nonconforming raised pavement markers at the time the jurisdiction prepares to resurface the roadway, or earlier, at its option. These standards shall be in effect, as provided in this section, unless the legislative authority of the local governmental body finds that special circumstances exist affecting vehicle and pedestrian safety that warrant a variance to the standard.

For the purposes of this section, "urbanized area" means an area designated as such by the United States bureau of census and having a population of more than fifty thousand. Other jurisdictions that install pavement marking material on the right edge of the roadway shall do so in a manner not in conflict with the minimum state standard.

[1991 c 214 § 4.]

RCW 47.36.290 State park directional signs.

Directional signs for state parks within fifteen miles of an interstate highway shall be erected and maintained on the interstate highway by the department despite the existence of additional directional signs on primary or scenic system highways in closer proximity to such state parks.

[1985 c 376 § 7. Formerly RCW 47.42.160.]

Notes:

Legislative intent--1985 c 376: See note following RCW 47.42.020.

RCW 47.36.300 Supplemental directional signs--Erection by local governments.

(1) The legislative authority of any county, city, or town may erect, or permit the erection of, supplemental directional signs directing motorists to motorist service businesses qualified for motorist information sign panels pursuant to RCW 47.36.310 or 47.36.320 in any location on, or adjacent to, the right of way of any roads or streets within their jurisdiction.

(2) Appropriate fees may be charged to cover the cost of issuing permits, installation, or maintenance of such signs.

(3) Supplemental signs and their locations shall comply with all applicable provisions of this chapter, the Manual on Uniform Traffic Control Devices, and such rules as may be adopted by the department.

[1999 c 201 § 2; 1986 c 114 § 3. Formerly RCW 47.42.052.]

RCW 47.36.310 Motorist information signs--Interstate highways--Contents, placement, fees.

The department is authorized to erect and maintain motorist information sign panels within the right of way of the interstate highway system to give the traveling public specific

information as to gas, food, lodging, camping, or tourist-oriented business available on a crossroad at or near an interchange. Motorist information sign panels shall include the words "GAS," "FOOD," "LODGING," "CAMPING," or "TOURIST ACTIVITIES" and directional information and may contain one or more individual business signs maintained on the panel. Motorist information sign panels are authorized within the corporate limits of cities and towns and areas zoned for commercial or industrial uses at locations where there is adequate distance between interchanges to ensure compliance with the Manual on Uniform Traffic Control Devices. The erection and maintenance of motorist information sign panels shall also conform to the Manual on Uniform Traffic Control Devices and rules adopted by the state department of transportation. A motorist service or tourist-oriented business located within one mile of an interstate highway shall not be permitted to display its name, brand, or trademark on a motorist information sign panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building measured to the bottom of the on-premise sign. The restriction for on-premise signs does not apply if the sign is not visible from the highway. The department may, on a case-by-case basis, waive the height restriction when an on-premise sign is visible from the rural interstate system. The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance, and may charge reasonable fees to recover costs for the erection and maintenance of the motorist information sign panels.

[1999 c 201 § 3; 1987 c 469 § 3; 1986 c 114 § 1; 1985 c 142 § 1; 1984 c 7 § 223; 1974 ex.s. c 80 § 2. Formerly RCW 47.42.046.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.320 Motorist information signs, tourist-oriented directional signs--Primary and scenic roads--Contents, placement, fees.

The department is authorized to erect and maintain motorist information sign panels within the right of way of noninterstate highways to give the traveling public specific information as to gas, food, lodging, recreation, or tourist-oriented businesses accessible by way of highways intersecting the noninterstate highway. The motorist information sign panels are permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the Manual on Uniform Traffic Control Devices. Motorist information sign panels shall include the words "GAS," "FOOD," "LODGING," "RECREATION," or "TOURIST ACTIVITIES" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of motorist information sign panels along noninterstate highways shall also conform to the Manual on Uniform Traffic Control Devices and rules adopted by the state department of transportation. A motorist service or tourist-oriented business located within one mile of a noninterstate highway shall not be

permitted to display its name, brand, or trademark on a motorist information sign panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building measured to the bottom of the on-premise sign.

The department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:

(1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "LODGING," or "RECREATION" motorist information sign panels previously described in this section;

(2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;

(3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway except as provided in RCW 47.36.330(3) (b) and (c), and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.

The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance, and may charge reasonable fees for the erection and maintenance of the motorist information sign panels.

[1999 c 213 § 1; 1999 c 201 § 4; 1986 c 114 § 2; 1985 c 376 § 4; 1985 c 142 § 2; 1984 c 7 § 224; 1974 ex.s. c 80 § 4. Formerly RCW 47.42.047.]

Notes:

Reviser's note: This section was amended by 1999 c 201 § 4 and by 1999 c 213 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Legislative intent--1985 c 376: See note following RCW 47.42.020.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.330 Motorist information signs--Maximum number and distance.

(1) Not more than six business signs may be permitted on motorist information sign panels authorized by RCW 47.36.310 and 47.36.320.

(2) The maximum distance that eligible service facilities may be located on either side of an interchange or intersection to qualify for a business sign are as follows:

(a) On interstate highways, gas, food, or lodging activities shall be located within three miles. Camping or tourist-oriented activities shall be within five miles.

(b) On noninterstate highways, gas, food, lodging, recreation, or tourist-oriented activities shall be located within five miles.

(3)(a) If no eligible services are located within the distance limits prescribed in subsection (2) of this section, the distance limits shall be increased until an eligible service of a type being considered is reached, up to a maximum of fifteen miles.

(b) The department may erect and maintain signs on an alternate route that is longer than fifteen miles if it is safer and still provides reasonable and convenient travel to an eligible

service.

(c) The department may erect and maintain signs on a route up to a maximum of twenty miles if it qualifies as an eligible service and is within a distressed area under the criteria of chapter 43.165 RCW.

[1999 c 213 § 2; 1999 c 201 § 5; 1985 c 142 § 3. Formerly RCW 47.42.0475.]

Notes:

Reviser's note: This section was amended by 1999 c 201 § 5 and by 1999 c 213 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 47.36.340 Motorist information signs--Lodging.

To be eligible for placement of a business sign on a motorist information sign panel a lodging activity shall:

- (1) Be licensed or approved by the department of social and health services or county health authority;
- (2) Provide adequate sleeping and bathroom accommodations available for rental on a daily basis; and
- (3) Provide public telephone facilities.

[1999 c 201 § 6; 1985 c 376 § 8. Formerly RCW 47.42.170.]

Notes:

Legislative intent--1985 c 376: See note following RCW 47.42.020.

RCW 47.36.350 Motorist information signs--Installation time.

The department shall ensure that motorist information sign panels are installed within nine months of receiving the request for installation.

[1999 c 201 § 7; 1991 c 94 § 5.]

RCW 47.36.400 Adopt-a-highway signs.

The department may install adopt-a-highway signs, with the following restrictions:

- (1) Signs shall be designed by the department and may only include the words "adopt-a-highway litter control facility" or "adopt-a-highway litter control next XX miles" and the name of the litter control area sponsor. The sponsor's name shall not be displayed more predominantly than the remainder of the sign message. Trademarks or business logos may be displayed;
- (2) Signs may be placed along interstate, primary, and scenic system highways;
- (3) Signs may be erected at other state-owned transportation facilities in accordance with RCW 47.40.100(1);
- (4) For each litter control area designated by the department, one sign may be placed visible to traffic approaching from each direction;
- (5) Signs shall be located so as not to detract from official traffic control signs installed

pursuant to the manual on uniform traffic control devices adopted by the department;

(6) Signs shall be located so as not to restrict sight distance on approaches to intersections or interchanges;

(7) The department may charge reasonable fees to defray the cost of manufacture, installation, and maintenance of adopt-a-highway signs.

[1998 c 180 § 1; 1991 c 94 § 4.]

Chapter 47.38 RCW ROADSIDE AREAS--SAFETY REST AREAS

Sections

| | |
|-----------|---|
| 47.38.010 | Rules governing use and control of rest areas, historic sites, viewpoints, etc. |
| 47.38.020 | Limitations on use of rest areas. |
| 47.38.030 | Penalty. |
| 47.38.040 | Information centers. |
| 47.38.050 | Recreational vehicle sanitary disposal systems. |
| 47.38.060 | Dedication of rest areas. |

Notes:

Acquisition of property for safety rest areas, buffers, viewpoints, historic sites: RCW 47.12.250.

RCW 47.38.010 Rules governing use and control of rest areas, historic sites, viewpoints, etc.

Pursuant to chapter 34.05 RCW, the department and the Washington state patrol shall jointly adopt rules governing the conduct and the safety of the traveling public relating to the use and control of rest areas and other areas as designated in RCW 47.12.250. Nothing herein may be construed as limiting the powers of the department as provided by law.

[1993 c 116 § 1; 1984 c 7 § 204; 1967 ex.s. c 145 § 29.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Roadside areas--Safety rest areas, provisions of scenic and recreational highway act concerning: Chapter 47.39 RCW.

RCW 47.38.020 Limitations on use of rest areas.

Except where specifically authorized by the department, it is unlawful for any person or persons to stop, stand, or park any vehicle, including but not limited to trailers, campers, and motorcycles, for more than eight hours, or for any person or persons to camp or to maintain a camp, tent, or other sleeping accommodation or facility, in any rest area or safety rest area within the limits of the right of way of interstate highways or other state highways or in other areas of

state or interstate highways as designated in RCW 47.12.250. This section does not apply to disabled vehicles.

[1984 c 7 § 205; 1967 ex.s. c 145 § 30.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.38.030 Penalty.

Any person violating RCW 47.38.010 or any rule or regulation adopted pursuant to RCW 47.38.010 shall be guilty of a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

[1993 c 116 § 2; 1979 ex.s. c 136 § 102; 1967 ex.s. c 145 § 31.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 47.38.040 Information centers.

In order to provide information in the specific interest of the traveling public, the department may establish information centers at safety rest areas and permit maps, informational directories, and advertising pamphlets to be made available there for the purpose of informing the public of places of interest within the state and providing such other information as the department deems desirable.

[1984 c 7 § 206; 1967 ex.s. c 145 § 32.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.38.050 Recreational vehicle sanitary disposal systems.

The department of transportation shall construct and maintain recreational vehicle sanitary disposal systems in the following safety rest areas lying along highways which are a part of the interstate highway system:

- (1) Gee Creek safety rest area, northbound and southbound on Interstate 5 in Clark county;
- (2) Sea-Tac safety rest area, northbound on Interstate 5 in King county;
- (3) Silver Lake safety rest area, southbound on Interstate 5 in Snohomish county;
- (4) Winchester Wasteway safety rest area, eastbound and westbound on Interstate 90 in Grant county;
- (5) Sprague safety rest area, eastbound on Interstate 90 in Lincoln county;
- (6) Selah Creek safety rest area, northbound and southbound on Interstate 82 in Yakima

county;

(7) Indian John Hill safety rest area, eastbound and westbound on Interstate 90 in Kittitas county;

(8) Smokey Point safety rest area, northbound and southbound on Interstate 5 in Snohomish county;

(9) Schrag safety rest area, westbound on Interstate 90 in Adams county.

[1996 c 237 § 3; 1980 c 60 § 1.]

Notes:

Effective date--1980 c 60: "This act shall take effect July 1, 1980." [1980 c 60 § 4.]

RCW 47.38.060 Dedication of rest areas.

The transportation commission may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The commission shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of and inscriptions on memorial signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.

[1996 c 172 § 1.]

**Chapter 47.39 RCW
SCENIC AND RECREATIONAL HIGHWAY ACT OF 1967**

Sections

| | |
|-----------|---|
| 47.39.010 | System created--Standards. |
| 47.39.020 | Designation of portions of existing highways as part of system. |
| 47.39.030 | Development and maintenance of system by department of transportation and parks and recreation commission--Allocation of costs. |
| 47.39.040 | Planning and design standards established by department of community, trade, and economic development. |
| 47.39.050 | Planning and design standards--Facilities and factors considered. |
| 47.39.060 | Designation of system on maps or other descriptive material. |
| 47.39.069 | Designation and removal criteria. |
| 47.39.075 | Corridor management plan. |
| 47.39.080 | Funding priorities--Signage. |
| 47.39.090 | Consultation with other agencies and parties--Identification of tourist routes. |
| 47.39.100 | Removal of designation. |
| 47.39.900 | Short title. |
| 47.39.910 | Severability--1967 ex.s. c 85. |

RCW 47.39.010 System created--Standards.

There is hereby created a scenic and recreational highway system. Highways in this system shall be developed and maintained in accordance with general standards for state highways of comparable classification and usage.

Recognizing that the Transportation Equity Act for the 21st Century establishes a national "scenic byway" program that could benefit state and local roadways, the Washington state scenic byway designation program is revised to address state and local transportation routes. Byways in this program must be designated and maintained in accordance with the criteria developed by the department under this chapter. However, a highway so designated under RCW 47.39.069 does not become part of the scenic and recreational highway system unless approved by the legislature.

[1999 c 218 § 1; 1967 ex.s. c 85 § 1.]

Notes:

Effective date--1999 c 218: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 1999]." [1999 c 218 § 9.]

RCW 47.39.020 Designation of portions of existing highways as part of system.

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin; also

Beginning at the junction with state route number 17, in the vicinity of Coulee City, thence easterly to the junction with state route number 155;

(2) State route number 3, beginning at a junction with state route number 101 in the vicinity of Shelton, thence northeasterly and northerly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 4, beginning at the junction with state route number 101, thence easterly through Cathlamet to Coal Creek road, approximately .5 miles west of the Longview city limits;

(4) State route number 6, beginning at the junction with state route number 101 in Raymond, thence easterly to the junction with state route number 5, in the vicinity of Chehalis;

(5) State route number 7, beginning at the junction with state route number 12 in Morton, thence northerly to the junction with state route number 507;

(6) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(7) State route number 9, beginning at the junction with state route number 530 in Arlington, thence northerly to the end of the route at the Canadian border;

(8) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(9) State route number 11, beginning at the junction with state route number 5 in the vicinity of Burlington, thence in a northerly direction to the junction with state route number 5;

(10) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynoochee river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at a junction with state route number 5, thence easterly by way of Morton, Randle, and Packwood to the junction with state route number 410, approximately 3.5 miles west of Naches; also

Beginning at the junction with state route number 124 in the vicinity of the Tri-Cities, thence easterly through Wallula and Touchet to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(11) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(12) State route number 17, beginning at a junction with state route number 395 in the vicinity of Mesa, thence northerly to the junction with state route number 97 in the vicinity of Brewster;

(13) State route number 19, the Chimacum-Beaver Valley road, beginning at the junction with state route number 104, thence northerly to the junction with state route number 20;

(14) State route number 20, beginning at the junction with state route number 101 to the ferry zone in Port Townsend; also

Beginning at the Keystone ferry slip on Whidbey Island, thence northerly and easterly to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 97 near Tonasket, thence easterly and southerly to a junction with state route number 2 at Newport;

(15) State route number 25, beginning at the Spokane river bridge, thence northerly through Cedonia, Gifford, Kettle Falls, and Northport, to the Canadian border;

(16) State route number 31, beginning at the junction with state route number 20 in Tiger, thence northerly to the Canadian border;

(17) State route number 82, beginning at the junction with state route number 395 south of the Tri-Cities area, thence southerly to the end of the route at the Oregon border;

(18) State route number 90, beginning at the junction with East Sunset Way in the vicinity east of Issaquah, thence easterly to Thorp road 9.0 miles west of Ellensburg;

(19) State route number 97, beginning at the Oregon border, in a northerly direction through Toppenish and Wapato to the junction with state route number 82 at Union Gap; also

Beginning at the junction with state route number 10, 2.5 miles north of Ellensburg, in a northerly direction to the junction with state route number 2, 4.0 miles east of Leavenworth;

(20) State route number 97 alternate, beginning at the junction with state route number 2 in the vicinity of Monitor, thence northerly to the junction with state route number 97, approximately 5.0 miles north of Chelan;

(21) State route number 101, beginning at the Astoria-Megler bridge, thence north to

Fowler street in Raymond; also

Beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the junction with state route number 5 in the vicinity of Olympia;

(22) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the Kingston ferry crossing;

(23) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(24) State route number 109, beginning at a junction with state route number 101 in Hoquiam to a junction with state route number 101 in the vicinity of Queets;

(25) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(26) State route number 116, beginning at the junction with the Chimacum-Beaver Valley road, thence in an easterly direction to Fort Flagler State Park;

(27) State route number 119, beginning at the junction with state route number 101 at Hoodspert, thence northwesterly to the Mount Rose development intersection;

(28) State route number 122, Harmony road, between the junction with state route number 12 near Mayfield dam and the junction with state route number 12 in Mossyrock;

(29) State route number 123, beginning at the junction with state route number 12 in the vicinity of Morton, thence northerly to the junction with state route number 410;

(30) State route number 129, beginning at the Oregon border, thence northerly to the junction with state route number 12 in Clarkston;

(31) State route number 141, beginning at the junction with state route number 14 in Bingen, thence northerly to the end of the route at the Skamania county line;

(32) State route number 142, beginning at the junction with state route number 14 in Lyle, thence northeasterly to the junction with state route number 97, .5 miles from Goldendale;

(33) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(34) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northerly and westerly to the junction with state route number 215;

(35) State route number 194, beginning at the Port of Almoda to the junction with state route number 195 in the vicinity of Pullman;

(36) State route number 202, beginning at the junction with state route number 522, thence in an easterly direction to the junction with state route number 90 in the vicinity of North Bend;

(37) State route number 211, beginning at the junction with state route number 2, thence northerly to the junction with state route number 20 in the vicinity of Usk;

(38) State route number 231, beginning at the junction with state route number 23, in the vicinity of Sprague, thence in a northerly direction to the junction with state route number 2, approximately 2.5 miles west of Reardan;

(39) State route number 261, beginning at the junction with state route number 12 in the vicinity of Delaney, thence northwesterly to the junction with state route number 260;

(40) State route number 262, beginning at the junction with state route number 26, thence northeasterly to the junction with state route number 17 between Moses Lake and Othello;

(41) State route number 272, beginning at the junction with state route number 195 in Colfax, thence easterly to the Idaho state line, approximately 1.5 miles east of Palouse;

(42) State route number 305, beginning at the Winslow ferry dock to the junction with state route number 3 approximately 1.0 mile north of Poulsbo;

(43) State route number 395, beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

(44) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

(45) State route number 410, beginning 4.0 miles east of Enumclaw, thence in an easterly direction to the junction with state route number 12, approximately 3.5 miles west of Naches;

(46) State route number 501, beginning at the junction with state route number 5 in the vicinity of Vancouver, thence northwesterly on the New Lower River road around Vancouver Lake;

(47) State route number 503, beginning at the junction with state route number 500, thence northerly by way of Battle Ground and Yale to the junction with state route number 5 in the vicinity of Woodland;

(48) State route number 504, beginning at a junction with state route number 5 at Castle Rock, to the end of the route on Johnston Ridge, approximately milepost 52;

(49) State route number 505, beginning at the junction with state route number 504, thence northwesterly by way of Toledo to the junction with state route number 5;

(50) State route number 508, beginning at the junction with state route number 5, thence in an easterly direction to the junction with state route number 7 in Morton;

(51) State route number 525, beginning at the ferry toll booth on Whidbey Island to a junction with state route number 20 east of the Keystone ferry slip;

(52) State route number 542, beginning at the junction with state route number 5, thence easterly to the vicinity of Austin pass in Whatcom county;

(53) State route number 547, beginning at the junction with state route number 542 in Kendall, thence northwesterly to the junction with state route number 9 in the vicinity of the Canadian border;

(54) State route number 706, beginning at the junction with state route number 7 in Elbe, in an easterly direction to the end of the route at Mt. Rainier National Park;

(55) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

(56) State route number 971, Navarre Coulee road, between the junction with state route number 97 and the junction with South Lakeshore road.

[1993 c 430 § 7; 1992 c 26 § 2; 1991 c 342 § 54; 1990 c 240 § 3; 1975 c 63 § 8; 1973 1st ex.s. c 151 § 10; 1971 ex.s. c 73 § 29; 1970 ex.s. c 51 § 177; 1969 ex.s. c 281 § 6; 1967 ex.s. c 85 § 2.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Legislative finding--1990 c 240: "The legislature finds that scenic and recreational highways are designated because of a need to develop management plans that will protect and preserve the scenic and recreational resources from loss through inappropriate development. Protection of scenic and recreational resources includes managing land use outside normal highway rights of way. The legislature recognizes that scenic and recreational highways are typically located in areas that are natural in character, along watercourses or through mountainous areas, or in areas with a view of such scenery." [1990 c 240 § 1.]

RCW 47.39.030 Development and maintenance of system by department of transportation and parks and recreation commission--Allocation of costs.

(1) The department shall pay from motor vehicle funds appropriated for construction of state highways, the following costs of developing and constructing scenic and recreational highways: (a) Acquisition of the right of way necessary for state highway purposes; (b) construction of the portion of the highway designed primarily for motor vehicle travel; (c) exit and entrance roadways providing access to scenic observation points; (d) safety rest areas; (e) roadside landscaping within the portion of the highway right of way acquired by the department for state highway purposes; (f) the uniform signs and markers designating the various features and facilities of the scenic and recreational highways; and (g) any additional costs of constructing and developing the scenic and recreational highways, including property acquisition adjacent to highways as authorized by RCW 47.12.250, for which the department shall receive reimbursement from the federal government or any other source.

(2) The parks and recreation commission shall pay the costs of developing and constructing the scenic and recreational highways not provided for in subsection (1) of this section from any funds appropriated for such purposes.

(3) The costs of maintaining the scenic and recreational highway system shall be allocated between the department and the parks and recreation commission in the same manner that costs of developing and constructing such highways are allocated in subsections (1) and (2) of this section.

(4) The city, town, county, regional transportation planning organization, federal agency, federally recognized tribe, or any other such party that nominates a roadway not located on a state-owned right of way for designation as a scenic byway shall bear all costs relating to the nomination and designation of the byway, such as costs for developing, maintaining, planning, designing, and constructing the scenic byway.

[1999 c 218 § 2; 1984 c 7 § 207; 1967 ex.s. c 85 § 3.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

Severability--1984 c 7: See note following RCW 47.01.141.

Safety rest areas: Chapter 47.38 RCW.

RCW 47.39.040 Planning and design standards established by department of community, trade, and economic development.

The establishment of planning and design standards for items provided for in RCW 47.39.050 shall be coordinated by the department of community, trade, and economic development. The department of transportation, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit, and file with the department of community, trade, and economic development standards relating to the scenic and recreational highway system. If varying planning and design standards are filed, the department of community, trade, and economic development shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the department of transportation and the parks and recreation commission shall develop the highways and areas adjacent thereto to accomplish the purposes of this chapter, but the department shall retain exclusive authority over the highway right of way.

Responsibility for construction and maintenance is hereby established between the department and the parks and recreation commission with the department responsible for activities financed with funds provided for under RCW 47.39.030(1) and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two agencies.

[1995 c 399 § 122; 1985 c 6 § 16; 1984 c 7 § 208; 1967 ex.s. c 85 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Department of community, trade, and economic development: Chapter 43.330 RCW.

RCW 47.39.050 Planning and design standards--Facilities and factors considered.

Planning and design standards established for highways falling within the scenic and recreational highways system may include, but shall not be limited to, provision for the following:

- (1) Hiking, bicycle, and bridle trails, including regulations for their use;
- (2) Campsites and shelters;
- (3) Boat launching sites;
- (4) Access trails to lakes, rivers and streams, and easements along their shores;

- (5) Safety rest areas;
- (6) Historic and geologic interpretative facilities;
- (7) Scenic observation facilities;
- (8) Roadside landscaping, restoration and aesthetic enhancement;
- (9) Specifically delineated highway corridors and means for the preservation of natural beauty, historic sites, or viewpoints;
- (10) A uniform system of signs and markers designating the various features and facilities of the scenic and recreational highway systems.

[1967 ex.s. c 85 § 5.]

RCW 47.39.060 Designation of system on maps or other descriptive material.

The department and the parks and recreation commission may include, where appropriate, on any maps, or in any relevant descriptive material they may prepare at state expense, references to those portions of highways designated in RCW 47.39.020, and may include those designated byways by appropriate color or code designation.

[1999 c 218 § 3; 1984 c 7 § 209; 1967 ex.s. c 85 § 6.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.39.069 Designation and removal criteria.

(1) The department, in consultation with the department of community, trade, and economic development, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, federally recognized tribes, regional transportation planning organizations, Washington-based automobile clubs, state-wide bicycling organizations, and other interested parties, shall develop by December 31, 1999, criteria for assessing scenic byways and heritage tour routes and an appropriate method of nomination and application for the designation and removal of the designation of the byways. Factors the department may take into consideration, but is not limited by, are: (a) Scenic quality of the byway; (b) natural aspects, such as geological formations, water bodies, vegetation, and wildlife; (c) historic elements; (d) cultural features such as the arts, crafts, music, customs, or traditions of a distinct group of people; (e) archaeological features; (f) recreational activities; (g) roadway safety including accommodations for bicycle and pedestrian travel, tour buses, and automobiles; (h) scenic byway and local and regional byway management plans; and (i) local public involvement and support for the byway.

(2) The criteria developed in subsection (1) of this section must not impose nor require regulation of privately owned lands or property rights.

(3) Any person may nominate a roadway, path, or trail for inclusion in the scenic byway program. The department shall assess nominations in accordance with the criteria developed

under subsection (1) of this section. The department shall submit its recommendations for scenic byway and heritage tour route designations to the commission for its approval and official designation of the roadway, path, or trail as a scenic byway or a heritage tour route. All decisions made by the commission relating to scenic byway and heritage tour route designations are final.

(4) The department shall apply the criteria in subsection (1) of this section to state highways that are currently not a part of the designated scenic and recreational highway system. The department shall respond to local requests for route evaluation as defined in subsection (3) of this section.

(5) Once the commission has designated a roadway as a scenic byway, the department may submit an individual nomination to the Federal Highway Administration for its consideration of whether the roadway qualifies to be designated as a national scenic byway or an All-American Roadway.

[1999 c 218 § 4.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

RCW 47.39.075 Corridor management plan.

The department shall participate with local communities to develop a corridor management plan for a state highway nominated to be part of the scenic byway program. Local, regional, or other governmental bodies shall develop a corridor management plan for nominated routes that are under their jurisdiction.

[1999 c 218 § 5.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

RCW 47.39.080 Funding priorities--Signage.

Recognizing that the Transportation Equity Act for the 21st Century establishes a national "Scenic Byways" grant program and a new apportionment program called "Transportation Enhancement Activities," the department of transportation shall place high priority on obtaining funds from those sources for further development of a scenic and recreational highways program, including enhancement projects on the designated scenic and recreational highway system. The department shall consider the use of the designated system by bicyclists and pedestrians in connection with nonmotorized routes in the state trail plan, and the state bicycle plan which are also eligible for TEA-21 funding. Appropriate signage may be used at intersections of nonmotorized and motorized systems to demonstrate the access, location, and the interconnectivity of various modes of travel for transportation and recreation. For the purposes of leveraging national scenic byway planning grant funds, the commission may designate eligible state highways as scenic byways on an interim basis.

[1999 c 218 § 6; 1993 c 430 § 8.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

RCW 47.39.090 Consultation with other agencies and parties--Identification of tourist routes.

In developing the scenic and recreational highways program, the department shall consult with the department of community, trade, and economic development, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, regional transportation planning organizations, state-wide bicycling organizations, and other interested parties. The scenic and recreational highways program may identify entire highway loops or similar tourist routes that could be developed to promote tourist activity and provide concurrent economic growth while protecting the scenic and recreational quality surrounding state highways.

[1995 c 399 § 123; 1993 c 430 § 9.]

RCW 47.39.100 Removal of designation.

(1) The commission may remove the designation of a route if it no longer possesses the intrinsic qualities or fails to meet the criteria that supported its designation.

(2) The department shall determine whether a roadway designated as a national scenic byway or an All-American Roadway is being properly maintained in accordance with the roadway's byway management plan, including preserving the intrinsic qualities that originally supported the designation. When the department determines that the intrinsic qualities of a national scenic byway or All-American Roadway have not been maintained sufficiently to retain its designation, the department shall notify the party responsible for maintaining the designation of the finding and allow the party an opportunity, under federal regulations, for corrective action before formal removal of the designation of the roadway.

(3) Local, regional, or other governmental bodies may notify the commission of the removal of a designated route if they determine it no longer meets the designation criteria, or community support for the designation no longer exists, or it no longer possesses the intrinsic qualities that supported its original designation.

(4) State or local removal of a designated route will result in discontinued state support of the designated route and can include, but is not limited to, state matching assistance for grant applications, the removal of signs directly related to the byway, free promotional information in the state-owned safety rest areas, and inclusion in maps, brochures, and electronic media.

[1999 c 218 § 7.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

RCW 47.39.900 Short title.

RCW 47.39.010 through 47.39.910 shall constitute a new chapter in Title 47 RCW and shall be known and may be cited as the "Scenic and Recreational Highway Act of 1967."

[1967 ex.s. c 85 § 7.]

RCW 47.39.910 Severability--1967 ex.s. c 85.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1967 ex.s. c 85 § 8.]

**Chapter 47.40 RCW
ROADSIDE IMPROVEMENT AND BEAUTIFICATION**

Sections

| | |
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| 47.40.010 | Improvement and beautification a highway purpose. |
| 47.40.020 | Use of funds authorized. |
| 47.40.030 | Permit to private persons. |
| 47.40.040 | Application for permit, contents. |
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| 47.40.060 | Agreement to maintain project. |
| 47.40.070 | Damaging project unlawful. |
| 47.40.080 | Penalty for destroying native flora on state lands, highways, parks. |
| 47.40.090 | Glass bottles along highways--Collection and removal. |
| 47.40.100 | State adopt-a-highway program. |
| 47.40.105 | Local adopt-a-highway programs. |

Notes:

City streets, parkways, boulevards, etc.: Title 35 RCW.

State parks and recreation commission may plant trees along highway: RCW 79A.05.030.

Withdrawal of public lands abutting highway: RCW 79A.05.105.

RCW 47.40.010 Improvement and beautification a highway purpose.

The planting and cultivating of any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points, and the correction of unsightly conditions, upon the right of way of any state highway is hereby declared to be a proper state highway purpose.

[1961 c 13 § 47.40.010. Prior: 1937 c 53 § 88; RRS § 6400-88.]

RCW 47.40.020 Use of funds authorized.

Whenever funds are available for the planting or cultivation of any shrubs, trees, hedges, or other domestic or native ornamental growth, the improvement of roadside facilities and view

points, the correction of unsightly conditions upon the right of way of any state highway, and for roadside development and beautification, the department is empowered to expend such funds, either independently or in conjunction with the funds of any county, political subdivision, or any person, firm, corporation, association, or organization.

[1984 c 7 § 210; 1961 c 13 § 47.40.020. Prior: 1937 c 53 § 89; RRS § 6400-89.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.030 Permit to private persons.

Any person, firm, corporation, association, or organization owning lands abutting upon any state highway and desiring to plant, cultivate, and grow any hedge, shade trees, or ornamental trees or shrubs along the right of way thereof, or to clear and cultivate a portion of the state highway right of way for the purpose of growing crops and destroying noxious weeds, or any person, firm, corporation, association, or organization interested in public improvement and desiring to improve and beautify any state highway right of way or any portion thereof by planting, cultivating, or growing any hedge or shade or ornamental trees or cultivate along or upon the right of way thereof, may upon application to the department, be granted a permit therefor as provided by law.

[1984 c 7 § 211; 1961 c 13 § 47.40.030. Prior: 1937 c 53 § 90; RRS § 6400-90; prior: 1927 c 242 § 1; RRS § 6437-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.040 Application for permit, contents.

Each application for a permit to plant, cultivate and grow any hedge, shade or ornamental trees or shrubbery along or upon the right of way of any state highway or improve such right of way shall be in writing, signed by the applicant, and shall describe the state highway or portion thereof along or upon the right of way of which permit to plant, cultivate, grow or improve is sought, by name, number, or other reasonable description, and the lands bordering thereon by governmental subdivisions, and shall state the names, places or residence and post office addresses of the applicant or applicants owning the land abutting upon such state highway or the name of the person, firm, corporation, association or organization applying for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, or improvement to be made, with a diagram illustrating the location and number of hedges, trees or shrubs or the area of cultivation desired or plans of the improvement proposed to be made.

[1961 c 13 § 47.40.040. Prior: 1937 c 53 § 91; RRS § 6400-91; prior: 1927 c 242 § 2; RRS § 6437-2.]

RCW 47.40.050 Survey--Report--Permit.

Upon the filing of such application, the department shall cause a survey of the state highway to be made with reference to the application and a report of the findings and recommendations as to the granting of the permit, and if it appears to the satisfaction of the department that the use of a portion of the state highway for the purpose set out in the application will not interfere with the use of the state highway for public travel and will beautify and improve the state highway, a permit may be granted and issued to the applicant to plant, cultivate, and grow any hedge, shade or ornamental trees, shrubbery, or crops, or make such improvement along or upon the right of way of such portion of the state highway as is definitely described in the permit, and to construct and maintain such temporary and substantial fence on and along the portion of the right of way of the state highway described in the permit as is specified in the permit. The permit shall specify the exact location of all hedges, shade or ornamental trees, or shrubbery to be planted and grown, or the area to be cultivated under the permit, or the area to be improved to which specified location the person, firm, corporation, association, or organization receiving the permit shall specifically conform. The department may in its discretion refuse to issue the permit, and any such permit that is granted is revocable at the will of the department and nothing in this title may be construed as in anywise affecting the title of the state to the lands included in the state highway, or the right to use the lands for state highway purposes, or to remove or destroy any of such hedges, trees, shrubbery, or crops for the purpose of construction, alteration, repair, improvement, or maintenance of the state highway, or for any other purpose and at any time.

[1984 c 7 § 212; 1961 c 13 § 47.40.050. Prior: 1937 c 53 § 92; RRS § 6400-92; prior: 1927 c 242 § 3, part; RRS § 6437, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.060 Agreement to maintain project.

If any such permit is granted, the department shall enter into an agreement with the person, firm, corporation, association, or organization agreeing that such roadside development or beautification shall be maintained and kept up by the state through the department or by the person, firm, corporation, association, or organization. If any such person, firm, corporation, association, or organization so agreeing fails or neglects to maintain the roadside development or beautification, the department is empowered to do so, and the expense thereof shall be a charge against the person, firm, corporation, association, or organization.

[1984 c 7 § 213; 1961 c 13 § 47.40.060. Prior: 1937 c 53 § 93; RRS § 6400-93; prior: 1927 c 242 § 3, part; RRS § 6437-3, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.070 Damaging project unlawful.

It is unlawful for any person to injure, destroy, or remove any hedge, shade or ornamental trees, shrubbery, or crops, planted, cultivated, and grown or improvement made upon or along any portion of any state highway under permit from the department or otherwise, or to injure, destroy, or remove any fence erected under any such permit or otherwise. However, nothing in this section may be construed to prevent any person with the department to do so or the officers of the state charged with the duty of constructing and maintaining any such state highway, from removing any hedges, trees, shrubbery, or crops planted or improvements or fences built under permit, where in their judgment they interfere with or are detrimental to, the use of the state highway for public travel, or such removal is necessary for the construction, alteration, repair, improvement, or maintenance of the state highway.

[1984 c 7 § 214; 1961 c 13 § 47.40.070. Prior: 1937 c 53 § 94; RRS § 6400-94; prior: 1927 c 242 § 4; RRS § 6437-4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.080 Penalty for destroying native flora on state lands, highways, parks.

Any person who shall break or cut from any lands owned by the state of Washington or shall cut down, remove, destroy or uproot any rhododendron, evergreen, huckleberry, native dogwood or any other native tree, shrub, fern, herb, bulb or wild plants, or any part thereof, within three hundred feet of the center line of any state or county road, or who shall cut down, remove or destroy any flowering or ornamental tree or shrub, or any native flowering plant, fern, herb or bulb, either perennial or annual, situate, growing or being on any public street or highway, state or city park, in the state of Washington, unless such person be engaged in the work of constructing or repairing such highway or street under authority and direction of the legally constituted public officials being charged by law with the duty of constructing or repairing such highways or streets, state or city parks, shall be guilty of a misdemeanor.

[1961 c 13 § 47.40.080. Prior: 1933 c 133 § 1; 1925 ex.s. c 59 § 1; RRS § 2787-1.]

RCW 47.40.090 Glass bottles along highways--Collection and removal.

The department and any other governmental subdivision shall, with the staff, equipment, and material under their control, or by contract with others, take all necessary actions to collect and remove any or all glass bottles or glass containers along the right of way of any public road or public highway.

[1984 c 7 § 215; 1969 ex.s. c 281 § 48.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Deposit of unwholesome substance: RCW 9.66.050.

Removal of glass after accident: RCW 46.61.645.

Throwing glass on highway: RCW 46.61.645, 70.93.060.

RCW 47.40.100 State adopt-a-highway program.

(1) The department of transportation shall establish a state-wide adopt-a-highway program. The purpose of the program is to provide volunteers and businesses an opportunity to contribute to a cleaner environment, enhanced roadsides, and protection of wildlife habitats. Participating volunteers and businesses shall adopt department-designated sections of state highways, rest areas, park and ride lots, intermodal facilities, and any other facilities the department deems appropriate, in accordance with rules adopted by the department. The department may elect to coordinate a consortium of participants for adopt-a-highway projects.

The adopt-a-highway program shall include, at a minimum, litter control for the adopted section, and may include additional responsibilities such as planting and maintaining vegetation, controlling weeds, graffiti removal, and any other roadside improvement or clean-up activities the department deems appropriate. The department shall not accept adopt-a-highway proposals that would have the effect of terminating classified employees or classified employee positions.

(2) A volunteer group or business choosing to participate in the adopt-a-highway program must submit a proposal to the department. The department shall review the proposal for consistency with departmental policy and rules. The department may accept, reject, or modify an applicant's proposal.

(3) The department shall seek partnerships with volunteer groups and businesses to facilitate the goals of this section. The department may solicit funding for the adopt-a-highway program that allows private entities to undertake all or a portion of financing for the initiatives. The department shall develop guidelines regarding the cash, labor, and in-kind contributions to be performed by the participants.

(4) An organization whose name: (a) Endorses or opposes a particular candidate for public office, (b) advocates a position on a specific political issue, initiative, referendum, or piece of legislation, or (c) includes a reference to a political party shall not be eligible to participate in the adopt-a-highway program.

(5) In administering the adopt-a-highway program, the department shall:

(a) Provide a standardized application form, registration form, and contractual agreement for all participating groups. The forms shall notify the prospective participants of the risks and responsibilities to be assumed by the department and the participants;

(b) Require all participants to be at least fifteen years of age;

(c) Require parental consent for all minors;

(d) Require at least one adult supervisor for every eight minors;

(e) Require one designated leader for each participating organization, unless the department chooses to coordinate a consortium of participants;

(f) Assign each participating organization a section or sections of state highway, or other state-owned transportation facilities, for a specified period of time;

(g) Recognize the efforts of a participating organization by erecting and maintaining

signs with the organization's name on both ends of the organization's section of highway;

(h) Provide appropriate safety equipment. Safety equipment issued to participating groups must be returned to the department upon termination of the applicable adopt-a-highway agreement;

(i) Provide safety training for all participants;

(j) Pay any and all premiums or assessments required under RCW 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for all volunteers participating in the program;

(k) Require participating businesses to pay all employer premiums or assessments required to secure medical aid benefits under chapter 51.36 RCW for all employees or agents participating in the program;

(l) Maintain records of all injuries and accidents that occur;

(m) Adopt rules that establish a process to resolve any question of an organization's eligibility to participate in the adopt-a-highway program;

(n) Obtain permission from property owners who lease right of way before allowing an organization to adopt a section of highway on such leased property; and

(o) Establish procedures and guidelines for the adopt-a-highway program.

(6) Nothing in this section affects the rights or activities of, or agreements with, adjacent landowners, including the use of rights of way and crossings, nor impairs these rights and uses by the placement of signs.

[1995 c 106 § 1; 1990 c 258 § 5.]

Notes:

Legislative findings and intent--1990 c 258: "The legislature finds that despite the efforts of the department of transportation, the department of ecology, and the ecology youth corps to pick up litter along state highways, roadside litter in Washington state has increased by thirty-six percent since 1983. The legislature further finds that in twenty-seven states, volunteer organizations are able to give of their time and energy, demonstrate commitment to a clean environment, and discourage would-be litterers by keeping sections of highway litter free because those states have established programs to encourage and recognize such voluntary efforts. Therefore, it is the legislature's intent to establish an "adopt-a-highway" litter control program as a partnership between citizen volunteers and the state to reduce roadside litter and build civic pride in a litter-free Washington." [1990 c 258 § 4.]

RCW 47.40.105 Local adopt-a-highway programs.

Local government legislative authorities may enact local "adopt-a-highway sign" programs which are not inconsistent with state or federal law.

[1990 c 258 § 3.]

Notes:

Legislative findings and intent--1990 c 258: See note following RCW 47.40.100.

**Chapter 47.41 RCW
JUNKYARDS ADJACENT TO INTERSTATE AND PRIMARY HIGHWAYS**

Sections

47.41.010 Legislative declaration--Purpose.

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| 47.41.020 | Definitions. |
| 47.41.030 | Junkyards adjacent to highways prohibited--Exceptions. |
| 47.41.040 | Screening or removal of junkyard. |
| 47.41.050 | Administrative rules--Review of action. |
| 47.41.060 | Other laws not affected. |
| 47.41.070 | Violations--Penalty--Abatement as public nuisance. |
| 47.41.080 | Agreements with United States secretary of transportation. |
| 47.41.900 | Severability--1971 ex.s. c 101. |

Notes:

Vehicle wreckers: Chapter 46.80 RCW.

RCW 47.41.010 Legislative declaration--Purpose.

For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the interstate and federal-aid primary systems within this state. The legislature hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

[1971 ex.s. c 101 § 1.]

RCW 47.41.020 Definitions.

The definitions set forth in this section apply throughout this chapter.

(1) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Automobile graveyard" means any establishment or place of business that is maintained, used, or operated by storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(3) "Junkyard" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary fills.

(4) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated or as may hereafter be so designated by the department and approved by the United States secretary of transportation under Title 23 United States Code.

(5) "Federal-aid primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the department and approved by the United States secretary of transportation as the federal-aid primary system pursuant to the provisions of Title 23 United States Code.

(6) "Department" means the Washington state department of transportation.

[1984 c 7 § 216; 1971 ex.s. c 101 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.030 Junkyards adjacent to highways prohibited--Exceptions.

No person may establish, operate, or maintain a junkyard any portion of which is within one thousand feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except the following:

(1) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the system or otherwise removed from sight;

(2) Those located within areas which are zoned for industrial use under authority of law;

(3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by rules adopted by the department and approved by the United States secretary of transportation; and

(4) Those which are not visible from the main-traveled way of the system.

[1984 c 7 § 217; 1971 ex.s. c 101 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.040 Screening or removal of junkyard.

Before July 1, 1971, the department shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined under RCW 47.41.030 on August 9, 1971, that is within one thousand feet of the nearest edge of the right of way and visible from the main traveled way of any highway on the interstate and primary system and whether screening of the junkyard would be economically feasible. Within thirty days thereafter the department shall notify by certified mail the record owner of the land upon which the junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen the junkyard, the department shall screen the junkyard so that it will not be visible from the main-traveled way of the highway. The department is authorized to acquire by gift, purchase, exchange, or condemnation such lands or interest in lands as may be required for these purposes.

If it is not economically feasible to screen the junkyard, the department shall acquire by purchase, gift, or condemnation an interest in the real property used for junkyard purposes that is visible from the main traveled way of the highway, restricting any owner of the remaining interest to use of the real estate for purposes other than a junkyard. In addition to compensation for the real property interest, the operator of a junkyard shall receive the actual reasonable

expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated, and maintained. This section shall be interpreted as being in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent domain.

[1984 c 7 § 218; 1971 ex.s. c 101 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.050 Administrative rules--Review of action.

The department shall adopt rules for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in 23 U.S.C. Sec. 136, and the regulations promulgated thereunder by the United States secretary of transportation. Proceedings for review of any action taken by the department pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

[1984 c 7 § 219; 1971 ex.s. c 101 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.060 Other laws not affected.

Nothing in this chapter shall be construed to permit a person to maintain any junkyard that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town, nor to abrogate or affect the lawful provisions of any statute, ordinance, regulation, or resolution which are more restrictive than the provisions of this chapter.

[1971 ex.s. c 101 § 6.]

RCW 47.41.070 Violations--Penalty--Abatement as public nuisance.

If the owner of the land upon which any such junkyard is located, or the operator thereof, as the case may be, fails to comply with the notice or remove any such junk within the time provided in this chapter after being so notified, he is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling compliance with this chapter. Each day the junkyard is maintained in a manner so as not to comply with this chapter constitutes a separate offense.

If the operator of the junkyard or the owner of the property upon which it is located, as the case may be, is not found or refuses receipt of the notice, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the property upon which it is located with a notice that the junkyard constitutes a public nuisance and that the junk thereon must be removed as provided in this chapter. If the notice is not

complied with, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and remove the junk, and for that purpose may enter upon private property without incurring liability for doing so.

[1984 c 7 § 220; 1971 ex.s. c 101 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.080 Agreements with United States secretary of transportation.

The department is authorized to enter into agreements with the United States secretary of transportation as provided in Title 23 United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of the agreement.

[1984 c 7 § 221; 1971 ex.s. c 101 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.900 Severability--1971 ex.s. c 101.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 101 § 9.]

**Chapter 47.42 RCW
HIGHWAY ADVERTISING CONTROL ACT--SCENIC VISTAS ACT**

Sections

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| 47.42.020 | Definitions. |
| 47.42.025 | Exclusions from scenic system. |
| 47.42.030 | Signs visible from interstate, primary, or scenic systems restricted. |
| 47.42.040 | Permissible signs classified. |
| 47.42.045 | Number of signs--Spacing--Tourist facility, business or agricultural signs. |
| 47.42.048 | State and local prohibitions. |
| 47.42.050 | Information signs by governmental units. |
| 47.42.055 | Roadside area information panels or displays. |
| 47.42.060 | Rules for signs visible from interstate and scenic systems--Judicial review. |
| 47.42.062 | Signs visible from primary system in commercial and industrial areas--Requirements, restrictions, and prohibitions. |
| 47.42.063 | Signs visible from primary system in commercial and industrial areas--Preexisting signs--Permissible signs--Spacing. |

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| 47.42.065 | Signs viewable from other highways or streets--Requirements. |
| 47.42.070 | State and local prohibitions. |
| 47.42.080 | Public nuisance--Abatement--Penalty. |
| 47.42.090 | Revocation of permit. |
| 47.42.100 | Preexisting signs--Moratorium. |
| 47.42.102 | Compensation for removal of signs--Authorized--Applicability. |
| 47.42.103 | Compensation for removal--Action determining amount--Payment--State's share. |
| 47.42.104 | Compensation for removal--Federal share--Acceptance. |
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| 47.42.107 | Compensation for removal under local authority. |
| 47.42.110 | Agreements for federal aid. |
| 47.42.120 | Permits--Fees--Renewal--Permissible acts--Revocation. |
| 47.42.130 | Permit identification number. |
| 47.42.140 | Scenic areas designated. |
| 47.42.900 | Severability--1961 c 96. |
| 47.42.901 | Severability--1963 ex.s. c 3. |
| 47.42.902 | Severability--1971 ex.s. c 62. |
| 47.42.910 | Short title--1961 c 96. |
| 47.42.911 | Short title--1971 ex.s. c 62. |
| 47.42.920 | Federal requirements--Conflict and accord. |

RCW 47.42.010 Declaration of purpose.

The control of signs in areas adjacent to state highways of this state is hereby declared to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel, to protect the public investment in the interstate system and other state highways, and to attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to insure that information in the specific interest of the traveling public is presented safely and effectively.

[1961 c 96 § 1.]

RCW 47.42.020 Definitions.

The definitions set forth in this section apply throughout this chapter.

- (1) "Department" means the Washington state department of transportation.
- (2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.
- (4) "Maintain" means to allow to exist.
- (5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway, as determined by the department.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
- (f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(11) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for

sale seasonal agricultural products on the property where the sale is taking place.

[1993 c 430 § 10; 1991 c 94 § 1; 1990 c 258 § 1; 1987 c 469 § 2; 1985 c 376 § 2; 1984 c 7 § 222; 1977 ex.s. c 258 § 1; 1974 ex.s. c 80 § 1; 1971 ex.s. c 62 § 1; 1961 c 96 § 2.]

Notes:

Legislative findings and intent--1990 c 258: See note following RCW 47.40.100.

Legislative intent--1985 c 376: "It is the intent of the legislature that state highway information and directional signs provide appropriate guidance to all motorists traveling throughout the state. Such guidance should include the identity, location, and types of recreational, cultural, educational, entertainment, or unique or unusual commercial activities whose principle source of visitation is derived from motorists not residing in the immediate locale of the activity. Such informational and directional signs shall comply with Title 23, United States Code and the rules adopted by the department under RCW 47.42.060." [1985 c 376 § 1.]

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.025 Exclusions from scenic system.

The following sections of the scenic and recreational highway system are excluded from the scenic system as defined in subsection (7) of RCW 47.42.020:

(1) Beginning on state route number 101 at the junction with Airport Road north of Shelton, thence north to a point two thousand feet north of Airport Road.

(2) Beginning on state route number 101 at the junction with Mill Creek Road south of Forks, thence north two and four-tenths miles to the Calawah River bridge.

(3) Beginning on state route number 105 at a point one-half mile southwest of the boundary of Aberdeen, thence northeast to the boundary of Aberdeen.

(4) Beginning on state route number 17 at a point nine-tenths of a mile west of Grape Drive in the vicinity of Moses Lake, thence easterly to a junction of Grape Drive.

(5) Beginning on state route number 12 at a point one-half mile south of the south boundary of Dayton, thence northerly to the south boundary of Dayton.

(6) Beginning on state route number 14 one-half mile west of the west boundary of Bingen, thence east to a point one-half mile east of the east boundary of Bingen.

[1971 ex.s. c 62 § 2.]

RCW 47.42.030 Signs visible from interstate, primary, or scenic systems restricted.

Except as permitted under this chapter, no person shall erect or maintain a sign which is visible from the main traveled way of the interstate system, the primary system, or the scenic system. In case a highway or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained.

[1971 ex.s. c 62 § 3; 1961 c 96 § 3.]

RCW 47.42.040 Permissible signs classified.

It is declared to be the policy of the state that no signs which are visible from the main

traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law including signs with the Crime Stoppers name, logo, and telephone number;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW;

(7) Public service signs, located on school bus stop shelters, which:

(a) Identify the donor, sponsor, or contributor of said shelters;

(b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and

(e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters;

(8) Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise sign;

(c) Signs shall not be placed within an incorporated city or town;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections;

(f) The department shall establish a permit system and fee schedule and rules for the manufacturing, installation, and maintenance of these signs in accordance with the policy of this chapter;

(g) Signs in violation of these provisions shall be removed in accordance with the procedures in RCW 47.42.080;

Only signs of types 1, 2, 3, 7, and 8 may be erected or maintained within view of the scenic system. Signs of types 7 and 8 may also be erected or maintained within view of the federal aid primary system.

[2001 c 107 § 1; 1991 c 94 § 2; 1990 c 258 § 2; 1985 c 376 § 3; 1979 c 69 § 1; 1975 1st ex.s. c 271 § 1; 1971 ex.s. c 62 § 4; 1961 c 96 § 4.]

NOTES:

Legislative findings and intent--1990 c 258: See note following RCW 47.40.100.

Legislative intent--1985 c 376: See note following RCW 47.42.020.

RCW 47.42.045 Number of signs--Spacing--Tourist facility, business or agricultural signs.

(1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) In addition to signs permitted by subsections (1) and (2) of this section, the commission may adopt regulations permitting one type 3 sign visible to traffic proceeding in any one direction on an interstate, primary or scenic system highway on premises which, on June 25, 1976, are used wholly or in part as an operating business, farm, ranch or orchard which sign

bears only the name of the business, farm, ranch or orchard and a directional arrow or short directional message. Regulations adopted under this subsection shall prohibit the erection or maintenance of such type 3 signs on narrow strips of land a substantial distance from but connected with a business, farm, ranch or orchard. Signs permitted under this subsection shall not exceed fifty square feet in area.

(4) The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways.

[1975-'76 2nd ex.s. c 55 § 2; 1974 ex.s. c 154 § 1; 1974 ex.s. c 138 § 1; 1971 ex.s. c 62 § 5.]

RCW 47.42.048 State and local prohibitions.

Nothing in this chapter shall be construed to permit a person to erect or maintain a sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city or town of the state of Washington.

[1974 ex.s. c 80 § 3.]

RCW 47.42.050 Information signs by governmental units.

Information signs may be erected and maintained by the state, any county, city, or town.

[1961 c 96 § 5.]

RCW 47.42.055 Roadside area information panels or displays.

The department is authorized to erect roadside area information panels or displays adjacent to the state highway system within this state. The department may contract with private persons for the erection and operation of the information panels or displays. Compensation to the contractors shall be derived solely from the reasonable fees that the contractors will be permitted to charge participating businesses for making and exhibiting business signs and displays and for rendering services to tourists.

[1985 c 376 § 5; 1984 c 7 § 225; 1977 ex.s. c 258 § 2.]

Notes:

Legislative intent--1985 c 376: See note following RCW 47.42.020.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.060 Rules for signs visible from interstate and scenic systems--Judicial review.

The department shall adopt rules for the erection and maintenance of signs that are

visible from the main traveled way of the interstate system and the scenic system and that are permitted by this chapter and other rules for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in section 131, title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342 and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation. Proceedings for review of any action taken by the department pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

[1984 c 7 § 226; 1971 ex.s. c 62 § 6; 1961 c 96 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.062 Signs visible from primary system in commercial and industrial areas--Requirements, restrictions, and prohibitions.

Signs within six hundred and sixty feet of the nearest edge of the right of way which are visible from the main traveled way of the primary system within commercial and industrial areas and whose size, lighting, and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained: PROVIDED, That this section shall not serve to restrict type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) General: Signs shall not be erected or maintained which (a) imitate or resemble any official traffic sign, signal, or device; (b) are erected or maintained upon trees or painted or drawn upon rocks or other natural features and which are structurally unsafe or in disrepair; or (c) have any visible moving parts.

(2) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: PROVIDED, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back, or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(3) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two signs shall be spaced less than one thousand feet apart, and no sign may be located within three

thousand feet of the center of an interchange, a safety rest area, or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however, shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

(4) Lighting: Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.

[1975 1st ex.s. c 271 § 3; 1974 ex.s. c 154 § 2; 1974 ex.s. c 138 § 2; 1971 ex.s. c 62 § 7.]

RCW 47.42.063 Signs visible from primary system in commercial and industrial areas--Preexisting signs--Permissible signs--Spacing.

(1) Signs within six hundred and sixty feet of the nearest edge of the right of way lawfully erected and maintained which are visible from the main traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained.

(2) Signs within six hundred and sixty feet of the nearest edge of the right of way which are visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with customary use as set forth in RCW 47.42.062 may be erected and maintained. Signs lawfully erected and maintained on June 1,

1971 shall be included in the determination of spacing requirements for additional signs.

[1975 1st ex.s. c 271 § 4; 1971 ex.s. c 62 § 8.]

RCW 47.42.065 Signs viewable from other highways or streets--Requirements.

Notwithstanding any other provision of chapter 47.42 RCW, signs may be erected and maintained more than six hundred and sixty feet from the nearest edge of the right of way which are visible from the main traveled way of the interstate system, primary system, or scenic system when designed and oriented to be viewed from highways or streets other than the interstate system, primary system, or the scenic system and the advertising or informative contents of which may not be clearly comprehended by motorists using the main traveled way of the interstate system, primary system or scenic system.

[1975 1st ex.s. c 271 § 5; 1971 ex.s. c 62 § 9.]

RCW 47.42.070 State and local prohibitions.

Nothing in this chapter shall be construed to permit a person to erect or maintain any sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town of the state of Washington.

[1961 c 96 § 7.]

RCW 47.42.080 Public nuisance--Abatement--Penalty.

(1) Any sign erected or maintained contrary to the provisions of this chapter or rules adopted hereunder that is designed to be viewed from the interstate system, the primary system, or the scenic system is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by certified mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, fails to comply with the chapter or remove any such sign within fifteen days after being notified to remove the sign he is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day the sign is maintained constitutes a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, is not found or refuses receipt of the notice, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of

any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so.

(4) Nothing in this section may be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law.

(5) Any sign erected or maintained on state highway right of way contrary to this chapter or rules adopted under it is a public nuisance, and the department is authorized to remove any such sign without notice.

[1985 c 376 § 6; 1984 c 7 § 227; 1975-'76 2nd ex.s. c 55 § 1; 1971 ex.s. c 62 § 10; 1961 c 96 § 8.]

Notes:

Legislative intent--1985 c 376: See note following RCW 47.42.020.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.090 Revocation of permit.

If any person is convicted of a violation of this chapter, or any rule adopted hereunder, the department may revoke any permit issued to that person under this chapter.

[1984 c 7 § 228; 1961 c 96 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.100 Preexisting signs--Moratorium.

(1) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended, shall be maintained by any person (a) after three years from May 10, 1971, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation. Signs located in areas zoned by the governing county for predominantly commercial or industrial uses, that do not have development visible to the highway, as determined by the department, and that were lawfully installed after May 10, 1971, visible to any highway now or hereafter designated by the legislature as part of the scenic system, shall be allowed to be maintained.

[1993 c 430 § 11; 1974 ex.s. c 154 § 3; 1974 ex.s. c 138 § 3; 1971 ex.s. c 62 § 11; 1963 ex.s. c 3 § 55; 1961 c 96 § 10.]

RCW 47.42.102 Compensation for removal of signs--Authorized--Applicability.

(1) Except as otherwise provided in subsection (3) of this section, just compensation shall be paid upon the removal of any sign (pursuant to the provisions of chapter 47.42 RCW), lawfully erected under state law, which is visible from the main traveled way of the interstate system or the primary system.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to May 10, 1971.

[1975 1st ex.s. c 271 § 2; 1971 ex.s. c 62 § 12.]

RCW 47.42.103 Compensation for removal--Action determining amount--Payment--State's share.

(1) Compensation as required by RCW 47.42.102 shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the department may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid. If the owner of the sign is unknown and cannot be ascertained after diligent efforts to do so, the department may remove the sign upon the payment of compensation only to the owner of the real property on which the sign is located. Thereafter the owner of the

sign may file an action at any time within one year after the removal of the sign to obtain a determination of the amount of compensation he should receive for the loss of the sign. If either the owner of the sign or the owner of the real property on which the sign is located cannot be found within the state, service of the summons and complaint on such person for the purpose of obtaining a determination of the amount of compensation to be paid may be by publication in the manner provided by RCW 4.28.100.

(2) If compensation is determined by judicial proceedings, the sum so determined shall be paid into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is agreed upon, the department may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

(3) The state's share of compensation shall be paid from the motor vehicle fund, or if a court having jurisdiction enters a final judgment declaring that motor vehicle funds may not be used, then from the general fund.

[1984 c 7 § 229; 1971 ex.s. c 62 § 13.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.104 Compensation for removal--Federal share--Acceptance.

The department may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The department shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to section 131, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of section 131 and RCW 47.42.102, 47.42.103, and 47.42.104.

[1984 c 7 § 230; 1971 ex.s. c 62 § 14.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.105 Unavailability of federal share.

No sign, display, or device shall be required to be removed if the federal share of the just compensation to be paid upon the removal of such sign, display, or device is not available to make such payment.

[1971 ex.s. c 62 § 15.]

RCW 47.42.107 Compensation for removal under local authority.

(1) Just compensation shall be paid upon the removal of any existing sign pursuant to the

provisions of any resolution or ordinance of any county, city, or town of the state of Washington by such county, city, or town if:

(a) Such sign was lawfully in existence on May 10, 1971 (the effective date of the Scenic Vistas Act of 1971); or

(b) Such sign was erected subsequent to May 10, 1971 (the effective date of the Scenic Vistas Act of 1971), in compliance with existing state and local law.

(2) Such compensation shall be paid in the same manner as specified in RCW 47.42.102(2) for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

[1977 ex.s. c 141 § 1.]

Notes:

Severability--1977 ex.s. c 141: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 141 § 2.]

RCW 47.42.110 Agreements for federal aid.

The department is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this chapter, with the secretary of commerce or the secretary of transportation authorized under section 131(b) of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342.

[1984 c 7 § 231; 1971 ex.s. c 62 § 16; 1961 c 96 § 11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.120 Permits--Fees--Renewal--Permissible acts--Revocation.

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs that advertise activities conducted upon the properties where the signs are located, may be erected or maintained without a permit issued by the department. Application for a permit shall be made to the department on forms furnished by it. The forms shall contain a statement that the owner or lessee of the land in question has consented thereto. The application shall be accompanied by a fee established by department rule to be deposited with the state treasurer to the credit of the motor vehicle fund. Permits shall be for the remainder of the calendar year in which they are issued, and accompanying fees shall not be prorated for fractions

of the year. Permits must be renewed annually through a certification process established by department rule. Advertising copy may be changed at any time without the payment of an additional fee. Assignment of permits in good standing is effective only upon receipt of written notice of assignment by the department. A permit may be revoked after hearing if the department finds that any statement made in the application or annual certification process was false or misleading, or that the sign covered is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, if the false or misleading information has not been corrected and the sign has not been brought into compliance with this chapter or rules adopted under it within thirty days after written notification.

[1999 c 276 § 1; 1984 c 7 § 232; 1971 ex.s. c 62 § 17; 1961 c 96 § 12.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.130 Permit identification number.

Every permit issued by the department shall be assigned a separate identification number, and each permittee shall fasten to each sign a weatherproof label, not larger than sixteen square inches, that shall be furnished by the department and on which shall be plainly visible the permit number. The permittee shall also place his or her name in a conspicuous position on the front or back of each sign. The failure of a sign to have such a label affixed to it is prima facie evidence that it is not in compliance with the provisions of this chapter.

[1999 c 276 § 2; 1984 c 7 § 233; 1961 c 96 § 13.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.140 Scenic areas designated.

The following portions of state highways are designated as a part of the scenic system:

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with West Lake Sammamish parkway in the vicinity of Issaquah, thence in an easterly direction by way of North Bend and

Snoqualmie pass to a junction with state route number 970 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 970 at Virden, thence via Blewett pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 106 beginning at the junction with state route number 101 in the vicinity of Union, thence northeasterly to the junction with state route number 3 in the vicinity of Belfair.

(8) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

(9) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

(10) State route number 206, Mt. Spokane Park Drive, beginning at the junction with state route number 2 near the north line section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park.

(11) State route number 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

(12) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.

(13) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

(14) State route number 970 beginning at a junction with state route number 90 in the vicinity of Cle Elum thence via Teanaway to a junction with state route number 97 in the vicinity of Virden.

[1993 c 430 § 12; 1992 c 26 § 3; 1975 c 63 § 9; 1974 ex.s. c 138 § 4. Prior: 1971 ex.s. c 73 § 28; 1971 ex.s. c 62 § 18; 1961 c 96 § 14. Cf. 1974 ex.s. c 154 § 4.]

RCW 47.42.900 Severability--1961 c 96.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1961 c 96 § 16.]

RCW 47.42.901 Severability--1963 ex.s. c 3.

If any provision of *section 55 of this amendatory act shall be held to be invalid or shall be held to invalidate any provision of chapter 96, Laws of 1961 (chapter 47.42 RCW), then that provision of this amendatory act shall be of no force and effect and the provisions of chapter 96,

Laws of 1961 (chapter 47.42 RCW) shall continue in effect.

[1963 ex.s. c 3 § 56.]

Notes:

***Reviser's note:** The reference to "section 55 of this amendatory act" is to the 1963 amendment of RCW 47.42.100.

RCW 47.42.902 Severability--1971 ex.s. c 62.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 62 § 20.]

RCW 47.42.910 Short title--1961 c 96.

This chapter shall be known and may be cited as the highway advertising control act of 1961.

[1961 c 96 § 17.]

RCW 47.42.911 Short title--1971 ex.s. c 62.

This chapter may be cited as the "Scenic Vistas Act."

[1999 c 276 § 3; 1971 ex.s. c 62 § 19.]

RCW 47.42.920 Federal requirements--Conflict and accord.

If the secretary of the United States department of transportation finds any part of this chapter to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

[1985 c 142 § 4.]

**Chapter 47.44 RCW
FRANCHISES ON STATE HIGHWAYS**

Sections

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| 47.44.010 | Wire and pipe line and tram and railway franchises--Application--Rules on hearing and notice. |
| 47.44.020 | Grant of franchise--Conditions--Hearing. |
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RCW 47.44.010 Wire and pipe line and tram and railway franchises--Application--Rules on hearing and notice.

(1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for the franchise must be made in writing and subscribed by the applicant, and describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right of way which the department determines may (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right of way, or (b) during or following construction, cause a significant and adverse effect upon the surrounding environment.

[2001 c 201 § 5; 1980 c 28 § 1; 1975 1st ex.s. c 46 § 1; 1967 c 108 § 7; 1963 c 70 § 1; 1961 ex.s. c 21 § 26; 1961 c 13 § 47.44.010. Prior: 1943 c 265 § 2; 1937 c 53 § 83; Rem. Supp. 1943 § 6400-83.]

NOTES:

Urban public transportation system defined: RCW 47.04.082.

RCW 47.44.020 Grant of franchise--Conditions--Hearing.

(1) If the department of transportation deems it to be for the public interest, the franchise may be granted in whole or in part, with or without hearing under such regulations and conditions as the department may prescribe, with or without compensation, but not in excess of the reasonable cost for investigating, handling, and granting the franchise. The department may

require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

(2) If a hearing is held, it must be conducted by the department, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

(3) The facility must be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of the removal whenever the state is entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise must be by application.

(4) A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. A person constructing or operating such a utility on a state highway is also liable to the state for all necessary expenses incurred in inspecting the construction and restoring the pavement or other related transportation equipment or facilities to a permanent condition suitable for travel and operation in accordance with requirements set by the department. Permit and franchise holders are also financially responsible to the department for trenching work not completed within the contractual period and for compensating for the loss of useful pavement life caused by trenching. No franchise may be granted for a longer period than fifty years, and no exclusive franchise or privilege may be granted.

(5) The holder of a franchise granted under this section is financially responsible to the department for trenching work not completed within the period of the permit and for compensating for the loss of useful pavement life caused by trenching. In the case of common trenching operations, liability under this subsection will be assessed equally between the franchisees. The assessed parties may thereafter pursue claims of contribution or indemnity in accord with such fault as may be determined by arbitration or other legal action.

[2001 c 201 § 6; 1980 c 28 § 2; 1975 1st ex.s. c 46 § 2; 1961 c 13 § 47.44.020. Prior: 1959 c 330 § 1; 1937 c 53 § 84; RRS § 6400-84.]

RCW 47.44.030 Removal of facilities--Notice--Reimbursement, when.

If the department deems it necessary that a facility be removed from the highway for the safety of persons traveling thereon or for construction, alteration, improvement, or maintenance purposes, it shall give notice to the franchise holder to remove the facility at his or her expense and as the department orders. However, notwithstanding any contrary provision of law or of any existing or future franchise held by a public utility, the department shall pay or reimburse the owner for relocation or removal of any publicly, privately, or cooperatively owned public utility facilities when necessitated by the construction, reconstruction, relocation, or improvement of a highway that is part of the national system of interstate and defense highways for each item of cost for which the state is entitled to be reimbursed by the United States in an amount equal to at least ninety percent thereof under the provisions of section 123 of the federal aid highway act of

1958 and any other subsequent act of congress under which the state is entitled to be reimbursed by the United States in an amount equal to at least ninety percent of the cost of relocation of utility facilities on the national system of interstate and defense highways.

[1984 c 7 § 234; 1961 c 13 § 47.44.030. Prior: 1959 c 330 § 2; 1937 c 53 § 85; RRS § 6400-85.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.44.031 Removal of facilities--Limitation.

The provisions of RCW 47.44.030 authorizing the department to pay or reimburse the owner of a utility apply only to relocation or removal of utility facilities required by state construction contracts which are advertised for bids by the department after June 30, 1959.

[1984 c 7 § 235; 1961 c 13 § 47.44.031. Prior: 1959 c 330 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.44.040 Franchises across joint bridges.

Whenever any bridge exists on the route of any state highway and crosses any stream, body of water, gulch, navigable water, swamp, or other topographical formation constituting the boundary of this state or the boundary of a county, city, or town of this state and the bridge is owned or operated by this state jointly with any such county, city, or town, or with any municipal corporation of this state, or with such other state or with any county, city, or town of such other state, the department is empowered to join with the proper officials of the county, city, or town, or the municipal corporation of this state or of such other state or of such county, city, or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance on the bridge of water pipes, flumes, gas pipes, telephone, telegraph, and electric light and power lines and conduits, trams and railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department, or any other such facilities. All such franchises shall be granted in the same manner as provided for the granting of like franchises on state highways. Any revenue accruing to the state of Washington from the franchises shall be paid to the state treasurer and deposited to the credit of the fund from which this state's share of the cost of joint operation of the bridge is paid.

[1984 c 7 § 236; 1967 c 108 § 8; 1961 c 13 § 47.44.040. Prior: 1937 c 53 § 86; RRS § 6400-86.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.44.050 Permit for short distances.

(1) The department may grant a permit to construct or maintain on, over, across, or along any state highway any water, gas, telephone, telegraph, light, power, or other such facilities when they do not extend along the state highway for a distance greater than three hundred feet. The department may require such information as it deems necessary in the application for any such permit, and may grant or withhold the permit within its discretion. Any permit granted may be canceled at any time, and any facilities remaining upon the right of way of the state highway after thirty days written notice of the cancellation are an unlawful obstruction and may be removed in the manner provided by law.

(2) The holder of a permit granted under this section is financially responsible to the department for trenching work not completed within the period of the permit and for compensating for the loss of useful pavement life caused by trenching. In the case of common trenching operations, liability under this subsection will be assessed equally between the permit holders. The assessed parties may thereafter pursue claims of contribution or indemnity in accord with such fault as may be determined by arbitration or other legal action.

[2001 c 201 § 7; 1984 c 7 § 237; 1961 c 13 § 47.44.050. Prior: 1943 c 265 § 3; 1937 c 53 § 87; Rem. Supp. 1943 § 6400-87.]

NOTES:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.44.060 Penalties.

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

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

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

remedy, may remove the facility at the expense of the owner.

[1989 c 224 § 1; 1961 c 13 § 47.44.060. Prior: 1943 c 265 § 1; 1937 c 53 § 82; Rem. Supp. 1943 § 6400-82.]

RCW 47.44.070 Franchises to use toll facility property.

See RCW 47.56.256.

RCW 47.44.150 Measure of damages.

In any action for damages against the state of Washington, its agents, contractors, or employees by reason of damages to a utility or other facility located on a state highway, the damages are limited to the cost of repair of the utility or facility and are recoverable only in those instances where the utility or facility is authorized to be located on the state highway. However, the state is subject to the penalties provided in RCW 19.122.070 (1) and (2) only if the state has failed to give a notice meeting the requirements of RCW 19.122.030 to utilities or facilities that are authorized to be located on the state highway.

[1989 c 196 § 1.]

**Chapter 47.46 RCW
PUBLIC-PRIVATE TRANSPORTATION INITIATIVES**

Sections

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| 47.46.010 | Finding. |
| 47.46.020 | Definition. |
| 47.46.030 | Demonstration projects--Selection--Public involvement. |
| 47.46.040 | Demonstration projects--Terms of agreements--Public participation. |
| 47.46.050 | Financial arrangements. |
| 47.46.060 | Deferral of taxes--Application--Repayment. |
| 47.46.900 | Effective date--1993 c 370. |

RCW 47.46.010 Finding.

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private

sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program shall be implemented in cooperation, consultation, and with the support of the affected communities and local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

Agreements negotiated under the public-private initiatives program should establish the conditions under which the private developer may secure the approval necessary to develop and operate the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation; and require a demonstration that the proposed transportation facility has the support of the affected communities and local jurisdictions.

The legislature finds that the Puget Sound congestion pricing project, selected under this chapter, raises major transportation policy, economic, and equity concerns. These relate to the integrity of the state's high-occupancy vehicle program; the cost-effective movement of freight and goods; the diversion of traffic to local streets and arterials; and possible financial hardship to commuters. The legislature further finds that these potential economic and social impacts require comprehensive legislative review prior to advancement of the project and directs that the secretary not proceed with the implementation of the project without prior approval of the legislature.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal

funds as a means for attracting private sector capital.

[1995 2nd sp.s. c 19 § 1; 1993 c 370 § 1.]

Notes:

Effective date--1995 2nd sp.s. c 19: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [June 16, 1995]." [1995 2nd sp.s. c 19 § 5.]

RCW 47.46.020 Definition.

As used in this chapter, "transportation systems and facilities" means capital-related improvements and additions to the state's transportation infrastructure, including but not limited to highways, roads, bridges, vehicles, and equipment, marine-related facilities, vehicles, and equipment, park and ride lots, transit stations and equipment, transportation management systems, and other transportation-related investments.

[1993 c 370 § 2.]

RCW 47.46.030 Demonstration projects--Selection--Public involvement.

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project.

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after June 16, 1995, until June 30, 1997.

The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.

The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.

The public involvement plan for projects selected after June 30, 1997, shall, at a

minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

Projects that meet the minimum criteria established under this section and the requirements of the public involvement plan developed by the department and approved by the legislature shall be submitted to the Washington state transportation commission for its review. The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration. Forty-five days after the submission to the legislative transportation committee of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

(3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in *subsections (11) and (12) of this section, the department shall require an advisory vote as provided under subsections (5) through (10) of this section.

(4) The advisory vote shall apply to project proposals selected prior to September 1, 1994, or after June 30, 1997, that receive public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project collected and submitted in accordance with the dates established in subsections (12) and (13) of this section. The advisory vote shall be on the preferred alternative identified under the requirements of chapter 43.21C RCW and, if applicable, the national environmental policy act, 42 U.S.C. 4321 et seq. The execution by the department of the advisory vote process established in this section is subject to the prior appropriation of funds by the legislature for the purpose of conducting environmental impact studies, a public involvement program, local involvement committee activities, traffic and economic impact analyses, engineering and technical studies, and the advisory vote.

(5) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(6)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a state-wide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996, for projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.

(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.

(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.

(7) The department shall conduct a minimum thirty-day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

(8) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall

transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.

(9) The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.

(10) Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held under this section.

(11) Notwithstanding any other provision of law, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies, a public involvement program, and engineering and technical studies funded by the legislature. For projects subject to this subsection, the department shall not enter into an agreement under RCW 47.46.040 prior to the advisory vote on the preferred alternative.

(12) Subsections (5) through (10) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after June 16, 1995.

(13) Subsections (5) through (10) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.

[1996 c 280 § 1; 1995 2nd sp.s. c 19 § 2; 1993 c 370 § 3.]

Notes:

***Reviser's note:** Subsections (12) and (13) of this section, not (11) and (12), contain exceptions for project proposals selected before September 1, 1994, or after June 30, 1997.

Effective date--1996 c 280: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect

immediately [March 29, 1996]." [1996 c 280 § 2.]

Effective date--1995 2nd sp.s. c 19: See note following RCW 47.46.010.

RCW 47.46.040 Demonstration projects--Terms of agreements--Public participation.

(1) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(3) Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(4) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under agreements shall be entered into with the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(5) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(6) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during

construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(7) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(8) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and

commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(6)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the legislative transportation committee and local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.

(11) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

[2001 c 64 § 14; 1995 2nd sp.s. c 19 § 3; 1993 c 370 § 4.]

NOTES:

Effective date--1995 2nd sp.s. c 19: See note following RCW 47.46.010.

RCW 47.46.050 Financial arrangements.

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various

safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including project development costs, interest expense, the costs associated with design, construction, operations, toll collection, maintenance and administration of the project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection.

[1995 2nd sp.s. c 19 § 4; 1993 c 370 § 5.]

Notes:

Effective date--1995 2nd sp.s. c 19: See note following RCW 47.46.010.

RCW 47.46.060 Deferral of taxes--Application--Repayment.

(1) A private entity that is party to an agreement under this chapter may apply for deferral of taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment which will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements project under this chapter. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the project. The use of the certificate shall be governed by rules established by the department of revenue.

(3) A private entity granted a tax deferral under this section shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of a private entity granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the private entity.

(6) Applications and any other information received by the department of revenue under

this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

[1998 c 179 § 4.]

Notes:

Finding--1998 c 179: See note following RCW 35.21.718.

RCW 47.46.900 Effective date--1993 c 370.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

[1993 c 370 § 7.]

**Chapter 47.48 RCW
CLOSING HIGHWAYS AND RESTRICTING TRAFFIC**

Sections

- 47.48.010 Closure or restriction authorized--Restriction for urban public transportation system use.
- 47.48.020 Notice of closure or restriction--Emergency closure.
- 47.48.031 Emergency closures by state patrol.
- 47.48.040 Penalty.
- 47.48.050 Transportation of radioactive or hazardous cargo--Definition--Violation, penalty.

Notes:

Closure of Camas slough: RCW 88.28.055.

RCW 47.48.010 Closure or restriction authorized--Restriction for urban public transportation system use.

Whenever the condition of any state highway, county road, or city street, either newly or previously constructed, altered, repaired, or improved, or any part thereof is such that for any reason its unrestricted use or continued use by vehicles or by any class of vehicles will greatly damage that state highway, county road, or city street, or will be dangerous to traffic, or it is being constructed, altered, repaired, improved, or maintained in such a manner as to require that use of the state highway, county road, or city street, or any portion thereof be closed or restricted as to all vehicles or any class of vehicles for any period of time, the secretary, if it is a state highway, the county legislative authority, if it is a county road, or the governing body of any city or town, if it is a city street, is authorized to close the state highway, county road, or city street, as the case may be, to travel by all vehicles or by any class of vehicles, or may declare a lower maximum speed for any class of vehicles, for such a definite period as it shall determine. Nothing in the law of this state prevents the secretary, county legislative authority, or governing

body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, vehicle combinations, or tire equipment for the purposes of this section, or from restricting the use of any portion of any state highway, county road, or city street, as the case may be, to its use by an urban public transportation system.

[1984 c 7 § 238; 1977 ex.s. c 216 § 1; 1967 c 108 § 9; 1961 c 13 § 47.48.010. Prior: 1937 c 53 § 65; RRS § 6400-65; prior: 1929 c 214 § 1; 1927 c 232 § 1; 1921 c 21 § 1; RRS § 6839.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Restrictions on public highways to prevent damage: RCW 46.44.080.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.48.020 Notice of closure or restriction--Emergency closure.

Before any state highway, county road, or city street is closed to, or the maximum speed limit thereon reduced for, all vehicles or any class of vehicles, a notice thereof including the effective date shall be published in one issue of a newspaper of general circulation in the county or city or town in which such state highway, county road, or city street or any portion thereof to be closed is located; and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the state highway, county road, or city street or portion thereof to be closed or restricted: PROVIDED, That no such state highway, county road, or city street or portion thereof may be closed sooner than three days after the publication and the posting of the notice herein provided for: PROVIDED, HOWEVER, That in cases of emergency or conditions in which the maximum time the closure will be in effect is twelve hours or less the proper officers may, without publication or delay, close state highways, county roads, and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting state highways if the closing be of a portion of a state highway, at all intersecting state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases or conditions in which the maximum time the closure will be in effect is twelve hours or less, as herein provided, the orders of the proper authorities shall be immediately effective.

[1982 c 145 § 5; 1977 ex.s. c 216 § 2; 1961 c 13 § 47.48.020. Prior: 1937 c 53 § 66, part; RRS § 6400-66, part; prior: 1921 c 21 § 2, part; RRS § 6840, part. Formerly RCW 47.48.020 and 47.48.030.]

RCW 47.48.031 Emergency closures by state patrol.

(1) Whenever the chief or another officer of the state patrol determines on the basis of a traffic investigation that an emergency exists or less than safe road conditions exist due to human-caused or natural disasters or extreme weather conditions upon any state highway, or any part thereof, state patrol officers may determine and declare closures and temporarily reroute traffic from any such affected highway.

(2) Any alteration of vehicular traffic on any state highway due to closure in emergency conditions is effective until such alteration has been approved or altered by the secretary of

transportation or other department of transportation authorities in their local respective jurisdictions.

(3) All state highway closures by officers of the state patrol shall be immediately reported to the secretary of transportation and to other authorities in their local jurisdictions.

[1981 c 197 § 1.]

RCW 47.48.040 Penalty.

When any state highway, county road, or city street or portion thereof shall have been closed, or when the maximum speed limit thereon shall have been reduced, for all vehicles or any class of vehicles, as by law provided, any person, firm or corporation disregarding such closing or reduced speed limit shall be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action instituted in the name of the state of Washington or the county or city or town having jurisdiction for any damages occasioned to such state highway, county road, or city street, as the case may be, as the result of disregarding such closing or reduced speed limit.

[1977 ex.s. c 216 § 3; 1961 c 13 § 47.48.040. Prior: 1937 c 53 § 67; RRS § 6400-67; prior: 1921 c 21 § 3; RRS § 6841.]

RCW 47.48.050 Transportation of radioactive or hazardous cargo--Definition--Violation, penalty.

The chief or other officer of the Washington state patrol may prohibit the transportation of placarded radioactive or hazardous cargo over the highways of the state, or a portion thereof, if weather or other conditions create a substantial risk to public safety. For the purposes of this section hazardous cargo shall mean hazardous materials as defined in RCW 70.136.020(1). Violation of an order issued under this section constitutes a misdemeanor.

[1983 c 205 § 1.]

Notes:

Regulations on notice of prohibition on radioactive or hazardous cargo: RCW 47.01.270.

**Chapter 47.50 RCW
HIGHWAY ACCESS MANAGEMENT**

| | |
|-----------|-------------------------|
| Sections | |
| 47.50.010 | Findings--Access. |
| 47.50.020 | Definitions--Access. |
| 47.50.030 | Regulating connections. |
| 47.50.040 | Access permits. |
| 47.50.050 | Permit fee. |
| 47.50.060 | Permit review process. |

| | |
|-----------|------------------------------|
| 47.50.070 | Permit conditions. |
| 47.50.080 | Permit removal. |
| 47.50.090 | Access management standards. |

RCW 47.50.010 Findings--Access.

(1) The legislature finds that:

(a) Regulation of access to the state highway system is necessary in order to protect the public health, safety, and welfare, to preserve the functional integrity of the state highway system, and to promote the safe and efficient movement of people and goods within the state;

(b) The development of an access management program, in accordance with this chapter, which coordinates land use planning decisions by local governments and investments in the state highway system, will serve to control the proliferation of connections and other access approaches to and from the state highway system. Without such a program, the health, safety, and welfare of the residents of this state are at risk, due to the fact that uncontrolled access to the state highway system is a significant contributing factor to the congestion and functional deterioration of the system; and

(c) The development of an access management program in accordance with this chapter will enhance the development of an effective transportation system and increase the traffic-carrying capacity of the state highway system and thereby reduce the incidences of traffic accidents, personal injury, and property damage or loss; mitigate environmental degradation; promote sound economic growth and the growth management goals of the state; reduce highway maintenance costs and the necessity for costly traffic operations measures; lengthen the effective life of transportation facilities in the state, thus preserving the public investment in such facilities; and shorten response time for emergency vehicles.

(2) In furtherance of these findings, all state highways are hereby declared to be controlled access facilities as defined in RCW 47.50.020, except those highways that are defined as limited access facilities in chapter 47.52 RCW.

(3) It is the policy of the legislature that:

(a) The access rights of an owner of property abutting the state highway system are subordinate to the public's right and interest in a safe and efficient highway system; and

(b) Every owner of property which abuts a state highway has a right to reasonable access to that highway, unless such access has been acquired pursuant to chapter 47.52 RCW, but may not have the right of a particular means of access. The right of access to the state highway may be restricted if, pursuant to local regulation, reasonable access can be provided to another public road which abuts the property.

(4) The legislature declares that it is the purpose of this chapter to provide a coordinated planning process for the permitting of access points on the state highway system to effectuate the findings and policies under this section.

(5) Nothing in this chapter shall affect the right to full compensation under section 16, Article I of the state Constitution.

[1991 c 202 § 1.]

Notes:

Captions not law--1991 c 202: "Section captions and part headings as used in this act do not constitute any part of the law." [1991 c 202 § 22.] This act consists of chapter 47.50 RCW and RCW 70.94.521 through 70.94.551.

Effective date--1991 c 202: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 202 § 24.]

Severability--1991 c 202: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1991 c 202 § 25.]

RCW 47.50.020 Definitions--Access.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Controlled access facility" means a transportation facility to which access is regulated by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.

(2) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.

(3) "Permitting authority" means the department for connections in unincorporated areas or a city or town within incorporated areas which are authorized to regulate access to state highways pursuant to chapter 47.24 RCW.

[1991 c 202 § 2.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.030 Regulating connections.

(1) Vehicular access and connections to or from the state highway system shall be regulated by the permitting authority in accordance with the provisions of this chapter in order to protect the public health, safety, and welfare.

(2) The department shall by July 1, 1992, adopt administrative procedures pursuant to chapter 34.05 RCW which establish state highway access standards and rules for its issuance and modification of access permits, closing of unpermitted connections, revocation of permits, and waiver provisions in accordance with this chapter. The department shall consult with the association of Washington cities and obtain concurrence of the city design standards committee as established by RCW 35.78.030 in the development and adoption of rules for access standards for city streets designated as state highways under chapter 47.24 RCW.

(3) Cities and towns shall, no later than July 1, 1993, adopt standards for access

permitting on streets designated as state highways which meet or exceed the department's standards, provided that such standards may not be inconsistent with standards adopted by the department.

[1991 c 202 § 3.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.040 Access permits.

(1) No connection to a state highway shall be constructed or altered without obtaining an access permit in accordance with this chapter in advance of such action. A permitting authority has the authority to deny access to the state highway system at the location specified in the permit until the permittee constructs or alters the connection in accordance with the permit requirements.

(2) The cost of construction or alteration of a connection shall be borne by the permittee, except for alterations which are not required by law or administrative rule, but are made at the request of and for the convenience of the permitting authority. The permittee, however, shall bear the cost of alteration of any connection which is required by the permitting authority due to increased or altered traffic flows generated by changes in the permittee's facilities or nature of business conducted at the location specified in the permit.

(3) Except as otherwise provided in this chapter, an unpermitted connection is subject to closure by the appropriate permitting authority which shall have the right to install barriers across or remove the connection. When the permitting authority determines that a connection is unpermitted and subject to closure, it shall provide reasonable notice of its impending action to the owner of property served by the connection. The permitting authority's procedures for providing notice and preventing the operation of unpermitted connections shall be adopted by rule.

[1991 c 202 § 4.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.050 Permit fee.

The department shall establish by rule a schedule of fees for permit applications made to the department. The fee shall be nonrefundable and shall be used only to offset the costs of administering the access permit review process and the costs associated with administering the provisions of this chapter.

[1991 c 202 § 5.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.060 Permit review process.

The review process for access permit applications made by the department shall be as follows: Any person seeking an access permit shall file an application with the department. The department by rule shall establish application form and content requirements. The fee required by RCW 47.50.050 must accompany the applications.

[1991 c 202 § 6.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.070 Permit conditions.

The permitting authority may issue a permit subject to any conditions necessary to carry out the provisions of this chapter, including, but not limited to, requiring the use of a joint-use connection. The permitting authority may revoke a permit if the applicant fails to comply with the conditions upon which the issuance of the permit was predicated.

[1991 c 202 § 7.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.080 Permit removal.

(1) Unpermitted connections to the state highway system in existence on July 1, 1990, shall not require the issuance of a permit and may continue to provide access to the state highway system, unless the permitting authority determines that such a connection does not meet minimum acceptable standards of highway safety. However, a permitting authority may require that a permit be obtained for such a connection if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway to which it provides access. If a permit is not obtained, the connection may be closed pursuant to RCW 47.50.040.

(2) Access permits granted prior to adoption of the permitting authorities' standards shall remain valid until modified or revoked. Access connections to state highways identified on plats and subdivisions approved prior to July 1, 1991, shall be deemed to be permitted pursuant to chapter 202, Laws of 1991. The permitting authority may, after written notification, under rules adopted in accordance with RCW 47.50.030, modify or revoke an access permit granted prior to adoption of the standards by requiring relocation, alteration, or closure of the connection if a significant change occurs in the use, design, or traffic flow of the connection.

(3) The permitting authority may issue a nonconforming access permit after finding that to deny an access permit would leave the property without a reasonable means of access to the public roads of this state. Every nonconforming access permit shall specify limits on the maximum vehicular use of the connection and shall be conditioned on the availability of future

alternative means of access for which access permits can be obtained.

[1991 c 202 § 8.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.090 Access management standards.

(1) The department shall develop, adopt, and maintain an access control classification system for all routes on the state highway system, the purpose of which shall be to provide for the implementation and continuing applications of the provision of this chapter.

(2) The principal component of the access control classification system shall be access management standards, the purpose of which shall be to provide specific minimum standards to be adhered to in the planning for and approval of access to state highways.

(3) The control classification system shall be developed consistent with the following:

(a) The department shall, no later than January 1, 1993, adopt rules setting forth procedures governing the implementation of the access control classification system required by this chapter. The rule shall provide for input from the entities described in (b) of this subsection as well as for public meetings to discuss the access control classification system. Nothing in this chapter shall affect the validity of the department's existing or subsequently adopted rules concerning access to the state highway system. Such rules shall remain in effect until repealed or replaced by the rules required by this chapter.

(b) The access control classification system shall be developed in cooperation with counties, cities and towns, the department of community, trade, and economic development, regional transportation planning organizations, and other local governmental entities, and for city streets designated as state highways pursuant to chapter 47.24 RCW, adopted with the concurrence of the city design standards committee.

(c) The rule required by this section shall provide that assignment of a road segment to a specific access category be made in consideration of the following criteria:

- (i) Local land use plans and zoning, as set forth in comprehensive plans;
- (ii) The current functional classification as well as potential future functional classification of each road on the state highway system;
- (iii) Existing and projected traffic volumes;
- (iv) Existing and projected state, local, and metropolitan planning organization transportation plans and needs;
- (v) Drainage requirements;
- (vi) The character of lands adjoining the highway;
- (vii) The type and volume of traffic requiring access;
- (viii) Other operational aspects of access;
- (ix) The availability of reasonable access by way of county roads and city streets to a state highway; and
- (x) The cumulative effect of existing and projected connections on the state highway

system's ability to provide for the safe and efficient movement of people and goods within the state.

(d) Access management standards shall include, but not be limited to, connection location standards, safety factors, design and construction standards, desired levels of service, traffic control devices, and effective maintenance of the roads. The standards shall also contain minimum requirements for the spacing of connections, intersecting streets, roads, and highways.

(e) An access control category shall be assigned to each segment of the state highway system by July 1, 1993.

[1995 c 399 § 124; 1991 c 202 § 9.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

Chapter 47.52 RCW LIMITED ACCESS FACILITIES

Sections

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| 47.52.010 | "Limited access facility" defined. |
| 47.52.011 | "Existing highway" defined. |
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| 47.52.025 | Additional powers--Controlling use of limited access facilities--High-occupancy vehicle lanes. |
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| 47.52.040 | Design--Entrance and exit restricted--Closure of intersecting roads. |
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| 47.52.135 | Hearing procedure. |
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| 47.52.150 | State facility through city or town--Board of review, composition and appointment. |
| 47.52.160 | State facility through city or town--Hearing--Notice--Evidence--Determination of issues. |
| 47.52.170 | State facility through city or town--Hearing--Procedure. |
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| 47.52.195 | Review and appeal on petition of abutter. |
| 47.52.200 | Law enforcement jurisdiction within city or town. |
| 47.52.210 | State facility within city or town--Title to city or town streets incorporated therein. |

Notes:

Description, plans of highways, filing: RCW 47.28.025, 47.28.026.

Port districts, toll facilities: Chapter 53.34 RCW.

Speed limits on limited access facilities: RCW 46.61.430.

RCW 47.52.001 Declaration of policy.

Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed. It is the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities.

[1961 c 13 § 47.52.001. Prior: 1951 c 167 § 1.]

RCW 47.52.010 "Limited access facility" defined.

For the purposes of this chapter, a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be parkways, from which vehicles forming part of an urban public transportation system, trucks, buses, or other commercial vehicles may be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, including vehicles forming a part of an urban public transportation system.

[1967 c 108 § 10; 1961 c 13 § 47.52.010. Prior: 1951 c 167 § 2; 1947 c 202 § 1; Rem. Supp. 1947 § 6402-60.]

Notes:

Urban public transportation system defined: RCW 47.04.082.

RCW 47.52.011 "Existing highway" defined.

For the purposes of this chapter, the term "existing highway" shall include all highways,

roads and streets duly established, constructed, and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated.

[1961 c 13 § 47.52.011. Prior: 1951 c 167 § 3.]

RCW 47.52.020 Powers of highway authorities--State facility, county road crossings.

The highway authorities of the state, counties, and incorporated cities and towns, acting alone or in cooperation with each other, or with any federal, state, or local agency, or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, construct, maintain, and provide limited access facilities for public use wherever the authority or authorities are of the opinion that traffic conditions, present or future, will justify the special facilities. However, upon county roads within counties, the state or county authorities are subject to the consent of the county legislative authority, except that where a state limited access facility crosses a county road the department may, without the consent of the county legislative authority, close off the county road so that it will not intersect such limited access facility.

The department may, in constructing or relocating any state highway, cross any county road at grade without obtaining the consent of the county legislative authority, and in so doing may revise the alignment of the county road to the extent that the department finds necessary for reasons of traffic safety or practical engineering considerations.

[1984 c 7 § 239; 1961 c 13 § 47.52.020. Prior: 1957 c 235 § 2; prior: 1953 c 30 § 1; 1951 c 167 § 4; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402-61, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.025 Additional powers--Controlling use of limited access facilities--High-occupancy vehicle lanes.

Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of public transportation vehicles, privately owned buses, or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

[1974 ex.s. c 133 § 1; 1961 c 13 § 47.52.025. Prior: 1957 c 235 § 3; prior: 1951 c 167 § 5; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402-61, part.]

Notes:

High-occupancy vehicle lanes: RCW 46.61.165.

RCW 47.52.026 Rules--Control of vehicles entering--Ramp closure, metering, or restrictions--Notice.

(1) The department may adopt rules for the control of vehicles entering any state limited access highway as it deems necessary (a) for the efficient or safe flow of traffic traveling upon any part of the highway or connections with it or (b) to avoid exceeding federal, state, or regional air pollution standards either along the highway corridor or within an urban area served by the highway.

(2) Rules adopted by the department pursuant to subsection (1) of this section may provide for the closure of highway ramps or the metering of vehicles entering highway ramps or the restriction of certain classes of vehicles entering highway ramps (including vehicles with less than a specified number of passengers), and any such restrictions may vary at different times as necessary to achieve the purposes mentioned in subsection (1) of this section.

(3) Vehicle restrictions authorized by rules adopted pursuant to this section are effective when proper notice is given by any police officer, or by appropriate signals, signs, or other traffic control devices.

[1984 c 7 § 240; 1974 ex.s. c 133 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.027 Standards and rules for interstate and defense highways--Construction, maintenance, access.

The secretary of transportation may adopt design standards, rules, and regulations relating to construction, maintenance, and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules, and regulations the secretary shall take into account the policies, rules, and regulations of the United States secretary of commerce and the federal highway administration relating to the construction, maintenance, and operation of the system of interstate and defense highways. The standards, rules, and regulations so adopted by the secretary shall constitute the public policy of this state and shall have the force and effect of law.

[1977 ex.s. c 151 § 62; 1961 c 13 § 47.52.027. Prior: 1959 c 319 § 35. Formerly RCW 47.28.160.]

Notes:

Nonmotorized traffic may be prohibited: RCW 46.61.160.

RCW 47.52.040 Design--Entrance and exit restricted--Closure of intersecting roads.

The highway authorities of the state, counties and incorporated cities and towns may so design any limited access facility and so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and the determination of design by such authority shall be conclusive and final. In this connection such highway authorities may divide and separate any limited access facility into separate roadways by the construction of raised curbing, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated points at which access may be permitted by the highway authorities upon such terms and conditions as may be specified from time to time: PROVIDED, That any intersecting streets, roads or highways, not made a part of such facility, shall be deemed closed at the right of way line by the designation and construction of said facility and without the consent of any other party or the necessity of any other legal proceeding for such closing, notwithstanding any laws to the contrary.

[1961 c 13 § 47.52.040. Prior: 1955 c 75 § 1; 1947 c 202 § 3; Rem. Supp. 1947 § 6402-62.]

RCW 47.52.041 Closure of intersecting roads--Rights of abutters.

No person, firm or corporation, private or municipal, shall have any claim against the state, city or county by reason of the closing of such streets, roads or highways as long as access still exists or is provided to such property abutting upon the closed streets, roads or highways. Circuity of travel shall not be a compensable item of damage.

[1961 c 13 § 47.52.041. Prior: 1955 c 75 § 2.]

RCW 47.52.042 Closure of intersecting roads--Other provisions not affected.

RCW 47.52.040 and 47.52.041 shall not be construed to affect provisions for establishment, notice, hearing and court review of any decision establishing a limited access facility on an existing highway pursuant to chapter 47.52 RCW.

[1961 c 13 § 47.52.042. Prior: 1955 c 75 § 3.]

RCW 47.52.050 Acquisition of property.

(1) For the purpose of this chapter the highway authorities of the state, counties and incorporated cities and towns, respectively, or in cooperation one with the other, may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view and light, by gift, devise, purchase, or condemnation, in the same manner as such authorities are now or hereafter may be authorized by law to acquire

property or property rights in connection with highways and streets within their respective jurisdictions. Except as otherwise provided in subsection (2) of this section all property rights acquired under the provisions of this chapter shall be in fee simple. In the acquisition of property or property rights for any limited access facility or portion thereof, or for any service road in connection therewith, the state, county, incorporated city and town authority may, in its discretion, acquire an entire lot, block or tract of land, if by so doing the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for the limited access facility.

(2) The highway authorities of the state, counties, and incorporated cities and towns may acquire by gift, devise, purchase, or condemnation a three dimensional air space corridor in fee simple over or below the surface of the ground, together with such other property in fee simple and other property rights as are needed for the construction and operation of a limited access highway facility, but only if the acquiring authority finds that the proposal will not:

- (a) impair traffic safety on the highway or interfere with the free flow of traffic; or
- (b) permit occupancy or use of the air space above or below the highway which is hazardous to the operation of the highway.

[1971 ex.s. c 39 § 1; 1961 c 13 § 47.52.050. Prior: 1947 c 202 § 4; Rem. Supp. 1947 § 6402-63.]

Notes:

Award of costs in air space corridor acquisitions: RCW 8.25.073.

Right of way donations: Chapter 47.14 RCW.

RCW 47.52.060 Court process expedited.

Court proceedings necessary to acquire property or property rights for purposes of this chapter shall take precedence over all other causes not involving the public interest in all courts to the end that the provision for limited access facilities may be expedited.

[1961 c 13 § 47.52.060. Prior: 1947 c 202 § 5; Rem. Supp. 1947 § 6402-64.]

RCW 47.52.070 Establishment of facility--Grade separation--Service roads.

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

such limited access facility. Such consent and approval shall be given only if the public interest shall be served thereby.

[1961 c 13 § 47.52.070. Prior: 1951 c 167 § 10; 1947 c 202 § 6; Rem. Supp. 1947 § 6402-65.]

RCW 47.52.080 Abutter's right of access protected--Compensation.

No existing public highway, road, or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for business at the time the notice is given as provided in RCW 47.52.133, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in RCW 47.52.133 as for the taking or damaging of property for public use.

[1983 c 3 § 127; 1961 c 13 § 47.52.080. Prior: 1955 c 54 § 2; 1951 c 167 § 11; 1947 c 202 § 7; Rem. Supp. 1947 § 6402-66.]

RCW 47.52.090 Cooperative agreements--Urban public transportation systems--Title to highway--Traffic regulations--Underground utilities and overcrossings--Passenger transportation--Storm sewers--City street crossings.

The highway authorities of the state, counties, incorporated cities and towns, and municipal corporations owning or operating an urban public transportation system are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter. Any such agreement may provide for the exclusive or nonexclusive use of a portion of the facility by street cars, trains, or other vehicles forming a part of an urban public transportation system and for the erection, construction, and maintenance of structures and facilities of such a system including facilities for the receipt and discharge of passengers. Within incorporated cities and towns the title to every state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over the highway from the time it is declared to be operational as a limited access facility by the department, subject to the following provisions:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.61.430, and all regulations adopted are subject to approval of the department before becoming effective. Nothing herein precludes the state patrol or any county, city, or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city, town, or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and has the right to construct additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as the facilities do not interfere with the use

of the right of way for limited access highway purposes. The city or town has the right to maintain any municipal utility and the right to open the surface of the highway. The construction, maintenance until permanent repair is made, and permanent repair of these facilities shall be done in a time and manner authorized by permit to be issued by the department or its authorized representative, except to meet emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the corporate limits of a city or town as a result of the construction of a limited access facility, the cost of the relocation shall be paid by the state.

(3) Cities and towns have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as the franchises are not inconsistent with the use of the right of way for limited access facility purposes and the franchises are not in conflict with state laws. The department is authorized to enforce, in an action brought in the name of the state, any condition of any franchise that a city or town has granted. No franchise for transportation of passengers in motor vehicles may be granted on such highways without the approval of the department, except cities and towns are not required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not exceeding eight miles outside the corporate limits for public transportation on such facilities, but these vehicles may not stop on the limited access portion of the facility to receive or to discharge passengers unless appropriate special lanes or deceleration, stopping, and acceleration space is provided for the vehicles.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair, and replace to its original condition any portion of the highway damaged or injured by it. Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by a permit to be issued by the department or its authorized representative.

(4) The department has the right to use all storm sewers that are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with the governing policy entered into between the department and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the department and the association of Washington cities.

[1984 c 7 § 241; 1977 ex.s. c 78 § 8; 1967 c 108 § 11; 1961 c 13 § 47.52.090. Prior: 1957 c 235 § 4; 1947 c 202 § 8; Rem. Supp. 1947 § 6402-67.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.52.100 Existing roads and streets as service roads.

In connection with the development of any limited access facility the state, county or incorporated city or town highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, construct, maintain and vacate local service roads and streets, or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized for limited access facilities under the terms of this chapter. If, in their opinion such local service roads and streets are necessary or desirable, such local service roads or streets shall be separated from the limited access facility by such means or devices designated as necessary or desirable by the proper authority.

[1961 c 13 § 47.52.100. Prior: 1947 c 202 § 9; Rem. Supp. 1947 § 6402-68.]

RCW 47.52.105 Acquisition and construction to preserve limited access or reduce required compensation.

Whenever, in the opinion of the department, frontage or service roads in connection with limited access facilities are not feasible either from an engineering or economic standpoint, the department may acquire private or public property by purchase or condemnation and construct any road, street, or highway connecting to or leading into any other road, street, or highway, when by so doing, it will preserve a limited access facility or reduce compensation required to be paid to an owner by reason of reduction in or loss of access. The department shall provide by agreement with a majority of the legislative authority of the county or city concerned as to location, future maintenance, and control of any road, street, or highway to be so constructed. The road, street, or highway need not be made a part of the state highway system or connected thereto, but may upon completion by the state be turned over to the county or city for location, maintenance, and control pursuant to the agreement as part of the system of county roads or city streets.

[1984 c 7 § 242; 1967 c 117 § 1; 1961 c 13 § 47.52.105. Prior: 1955 c 63 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.110 Marking of facility with signs.

After the opening of any new and additional limited access highway facility, or after the designation and establishment of any existing street or highway, as included the particular highways and streets or those portions thereof designated and established, shall be physically marked and indicated as follows: By the erection and maintenance of such signs as in the opinion of the respective authorities may be deemed proper, indicating to drivers of vehicles that they are entering a limited access area and that they are leaving a limited access area.

[1961 c 13 § 47.52.110. Prior: 1947 c 202 § 10; Rem. Supp. 1947 § 6402-69.]

RCW 47.52.120 Violations specified--Exceptions--Penalty.

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, dividing section, or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: PROVIDED, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, assistance vans, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to the facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. For the purposes of this section, an assistance van is a vehicle rendering aid free of charge to vehicles with equipment or fuel problems. The state patrol shall establish by rule additional standards and operating procedures, as needed, for assistance vans.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained in this section prevents the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

[1987 c 330 § 748; 1985 c 149 § 1; 1961 c 13 § 47.52.120. Prior: 1959 c 167 § 1; 1947 c 202 § 11; Rem. Supp. 1947 § 6402-70.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 47.52.121 Prior determinations validated.

Any determinations of an authority establishing a limited access facility subsequent to March 19, 1947, and prior to March 16, 1951, in connection with new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated, and all acquisitions of property or access rights in connection therewith are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such authority, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings.

[1961 c 13 § 47.52.121. Prior: 1951 c 167 § 12.]

RCW 47.52.131 Consideration of local conditions--Report to local authorities--Conferences--Proposed plan.

When the department is planning a limited access facility through a county or an incorporated city or town, the department or its staff, before any hearing, shall give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys and, except as provided in RCW 47.52.134, shall submit to the county and city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings that are under consideration. This report shall show the proposed approximate right of way limits and profile of the facility with relation to the existing grade, and shall discuss in a general manner plans for landscaping treatment, fencing, and illumination, and shall include sketches of typical roadway sections for the roadway itself and any necessary structures such as viaducts or bridges, subways, or tunnels.

Conferences shall be held on the merits of this state report and plans and any proposed modification or alternate proposal of the county, city, or town in order to attempt to reach an agreement between the department and the county or city officials. As a result of the conference, the proposed plan, together with any modifications, shall be prepared by the department and presented to the county or city for inspection and study.

[1987 c 200 § 1; 1984 c 7 § 243; 1965 ex.s. c 75 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.133 Local public hearing--Notices.

Except as provided in RCW 47.52.134, the transportation commission and the highway authorities of the counties and incorporated cities and towns, with regard to facilities under their respective jurisdictions, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city, or town wherein the limited access facility is to be established to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road, or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication not less than fifteen days prior to such hearing in one or more

newspapers of general circulation within the county, city, or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

[1987 c 200 § 2; 1981 c 95 § 1; 1965 ex.s. c 75 § 2.]

RCW 47.52.134 When access reports and hearings not required.

Access reports and hearings on the establishment of limited access facilities are not required if:

(1) The limited access facility would lie wholly within state or federal lands and the agency or agencies with jurisdiction of the land agree to the access plan; or

(2) The access rights to the affected section of roadway have previously been purchased or established by others; or

(3) The limited access facility would not significantly change local road use, and all affected local agencies and abutting property owners agree in writing to waive a formal hearing on the establishment of the facility after publication of a notice of opportunity for a limited access hearing. This notice of opportunity for a limited access hearing shall be given in the same manner as required for published notice of hearings under RCW 47.52.133. If the authority specified in the notice receives a request for a hearing from one or more abutting property owners or affected local agencies on or before the date stated in the notice, an access report shall be submitted as provided in RCW 47.52.131 and a hearing shall be held. Notice of the hearing shall be given by mail and publication as provided in RCW 47.52.133.

[1987 c 200 § 3.]

RCW 47.52.135 Hearing procedure.

At the hearing any representative of the county, city or town, or any other person may appear and be heard even though such official or person is not an abutting property owner. Such hearing may, at the option of the highway authority, be conducted in accordance with federal laws and regulations governing highway design public hearings. The members of such authority shall preside, or may designate some suitable person to preside as examiner. The authority shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of such evidence, any person entitled to notice who has entered a written appearance shall be deemed a party to this hearing for purposes of this chapter and may thereafter introduce, either in person or by counsel, evidence and statements or counterproposals bearing upon the reasonableness of the proposal. Any such evidence and statements or counterproposals shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner.

[1982 c 189 § 5; 1981 c 67 § 29; 1977 c 77 § 2; 1965 ex.s. c 75 § 3.]

Notes:

Effective date--1982 c 189: See note following RCW 34.12.020.

Effective dates--Severability--1981 c 67: See notes following RCW 34.12.010.

RCW 47.52.137 Adoption of plan--Service of findings and order--Publication of resume--Finality--Review.

Following the conclusion of such hearing the authority shall adopt a plan with such modifications, if any, it deems proper and necessary. Its findings and order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing, and in the case of a state limited access facility, the county commissioners of the county affected and the mayor of the city or town affected. The authority shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the authority shall become final within thirty days after such mailing unless a review is taken as hereinafter provided. In case of an appeal, the order shall be final as to all parties not appealing.

[1965 ex.s. c 75 § 4.]

RCW 47.52.139 Local approval of plan--Disapproval, request for review.

Upon receipt of the findings and order adopting a plan, the county, city, or town may notify the department of transportation of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city, or town does not approve the plan, the county, city, or town shall file its disapproval in writing with the secretary of transportation within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the board. The request for hearing shall set forth the portions of the plan of the department to which the county, city, or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190, as now or hereafter amended.

[1977 ex.s. c 151 § 63; 1965 ex.s. c 75 § 5.]

RCW 47.52.145 Modification of adopted plan without further public hearings, when.

Whenever after the final adoption of a plan for a limited access highway by the transportation commission, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the commission may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions

are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the board of review.

[1981 c 95 § 2; 1977 c 77 § 1.]

RCW 47.52.150 State facility through city or town--Board of review, composition and appointment.

Upon request for a hearing before the board by any county, city, or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county, or legislative district, except that of the legislative body of the county, city, or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the secretary of transportation shall appoint two members of the board; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions, and of the four thus selected no more than two thereof may be members of a legislative body of the county, city, or town. The secretary of transportation shall appoint four members of the board. One member shall be selected by the members thus selected, and such ninth member shall be a licensed civil engineer or a recognized city or town planner, who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after the receipt of such a request by the secretary. In the event the secretary or a county, city, or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the secretary or the county, city, or town may apply to the superior court of the county in which the county, city, or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

[1977 ex.s. c 151 § 64; 1963 c 103 § 3; 1961 c 13 § 47.52.150. Prior: 1959 c 242 § 3; 1957 c 235 § 7.]

RCW 47.52.160 State facility through city or town--Hearing--Notice--Evidence--Determination of issues.

The board shall fix a reasonable time not more than thirty days after the date of its appointment and shall indicate the time and place for the hearing, and shall give notice to the

county, city, or town and to the department. At the time and place fixed for the hearing, the state and the county, city, or town shall present all of their evidence with respect to the objections set forth in the request for the hearing before the board, and if either the state, the county, or the city or town fails to do so, the board may determine the issues upon such evidence as may be presented to it at the hearing.

[1984 c 7 § 244; 1963 c 103 § 4; 1961 c 13 § 47.52.160. Prior: 1957 c 235 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.170 State facility through city or town--Hearing--Procedure.

No witness's testimony shall be received unless he shall have been duly sworn, and the board may cause all oral testimony to be stenographically reported. Members of the board, its duly authorized representatives, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of their office.

[1961 c 13 § 47.52.170. Prior: 1957 c 235 § 9.]

RCW 47.52.180 State facility through city or town--Hearing--Findings of board--Modification of proposed plan by stipulation.

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the department of transportation. Such findings shall be final and binding upon both parties. Any modification of the proposed plan of the department of transportation made by the board of review may thereafter be modified by stipulation of the parties.

[1977 ex.s. c 151 § 65; 1977 c 77 § 3; 1961 c 13 § 47.52.180. Prior: 1957 c 235 § 10.]

RCW 47.52.190 State facility through city or town--Hearing--Assistants--Costs--Reporter.

The board shall employ such assistance and clerical help as is necessary to perform its duties. The costs thereby incurred and incident to the conduct of the hearing, necessary expenses, and fees, if any, of members of the board shall be borne equally by the county, city, or town requesting the hearing and the department. When oral testimony is stenographically reported, the department shall provide a reporter at its expense.

[1984 c 7 § 245; 1963 c 103 § 5; 1961 c 13 § 47.52.190. Prior: 1957 c 235 § 11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.195 Review and appeal on petition of abutter.

An abutting property owner may petition for review in the superior court of the state of Washington in the county where the limited access facility is to be located. Such review and any appeal therefrom shall be considered and determined by said court upon the record of the authority in the manner, under the conditions and subject to the limitations and with the effect specified in the Administrative Procedure Act, chapter 34.05 RCW, as amended.

[1965 ex.s. c 75 § 6.]

RCW 47.52.200 Law enforcement jurisdiction within city or town.

Whenever any limited access highway facility passes within or through any incorporated city or town the municipal police officers of such city or town, the sheriff of the county wherein such city or town is situated and officers of the Washington state patrol shall have independent and concurrent jurisdiction to enforce any violation of the laws of this state occurring thereon: PROVIDED, The Washington state patrol shall bear primary responsibility for the enforcement of laws of this state relating to motor vehicles within such limited access highway facilities.

[1961 c 122 § 1.]

RCW 47.52.210 State facility within city or town--Title to city or town streets incorporated therein.

(1) Whenever the transportation commission adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town, and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the secretary of transportation that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the department of transportation may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be

conveyed by a deed executed by the secretary of transportation and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

[1981 c 95 § 3; 1977 ex.s. c 78 § 3.]

Chapter 47.56 RCW
STATE TOLL BRIDGES, TUNNELS, AND FERRIES

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Notes:

Bridges across navigable waters: RCW 79.91.090 through 79.91.120.

Port districts, toll facilities: Chapter 53.34 RCW.

Toll bridge bonds authorized, adjoining counties: RCW 36.76.140.

Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.

Viaducts, bridges, elevated roadways, tunnels, etc., authority of cities to construct: Chapter 35.85 RCW.

RCW 47.56.010 Definitions.

"Toll bridge" means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests used therefor, and buildings and improvements thereon.

"Toll road" means any express highway, superhighway, or motorway at such locations and between such termini as may be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the department, and shall include, but not be limited to, all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage, and other buildings that the department may deem necessary for the operation of the project, together with all property, rights, easements, and interests that may be acquired by the department for the construction or the operation of the project, all of which shall

be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the department, insofar as those procedures are reasonably consistent and applicable.

[1984 c 7 § 246; 1961 c 13 § 47.56.010. Prior: 1953 c 220 § 1; 1937 c 173 § 1, part; RRS § 6524-1, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.030 Powers and duties regarding toll facilities--Purchasing.

(1) The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof. The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. The department shall have full charge of design of all toll facilities. Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under (a) and (b) of this subsection:

(a) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

(b) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock-related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) Except as provided in (d) of this subsection, when the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life cycle cost analysis that includes an evaluation of fuel efficiency. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(d) If the department is procuring large equipment or systems (e.g., electrical, propulsion) needed for the support, maintenance, and use of a ferry operated by Washington state ferries, the department shall proceed with a formal request for proposal solicitation under this subsection (2) without a determination of necessity by the secretary.

[2001 c 59 § 1; 1995 1st sp.s. c 4 § 1; 1977 ex.s. c 151 § 66; 1969 ex.s. c 180 § 3; 1961 c 278 § 8; 1961 c 13 § 47.56.030. Prior: 1937 c 173 § 10; RRS § 6524-10.]

NOTES:

Effective date--1995 1st sp.s. c 4: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect

immediately [June 14, 1995]." [1995 1st sp.s. c 4 § 4.]

RCW 47.56.032 Authority of department and commission relating to state ferries.

All powers vested in the toll bridge authority as of September 21, 1977, relating to the acquiring, operating, extending, designing, constructing, repairing, and maintenance of the Washington state ferries or any part thereof and the collecting of tolls and charges for use of its facilities, shall be performed by the department. The commission shall determine all fares, tolls, and other charges for its facilities and shall directly perform all duties and exercise all powers relating to financing, refinancing, and fiscal management of the system's bonded indebtedness in the manner provided by law.

[1984 c 7 § 247; 1961 c 278 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.040 Toll bridges authorized--Investigations.

The department is empowered, in accordance with the provisions of this chapter, to provide for the establishment and construction of toll bridges upon any public highways of this state together with approaches thereto wherever it is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp, or other topographical formation whether that formation is within this state or constitutes a boundary between this state and an adjoining state or country. The necessity or advantage and practicability of any such toll bridge shall be determined by the department, and the feasibility of financing any toll bridge in the manner provided by this chapter shall be a primary consideration and determined according to the best judgment of the department. For the purpose of obtaining information for the consideration of the department upon the construction of any toll bridge or any other matters pertaining thereto, any cognizant officer or employee of the state shall, upon the request of the department, make reasonable examination, investigation, survey, or reconnaissance for the determination of material facts pertaining thereto and report this to the department. The cost of any such examination, investigation, survey, or reconnaissance shall be borne by the department or office conducting these activities from the funds provided for that department or office for its usual functions.

[1984 c 7 § 248; 1961 c 13 § 47.56.040. Prior: 1937 c 173 § 3; RRS § 6524-3; prior: 1913 c 56 § 2; RRS § 6525.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.042 State boundary bridges--Investigations--Agreements with counties or states.

The department is authorized to enter into agreements with any county of this state and/or with an adjoining state or county thereof for the purpose of implementing an investigation of the

feasibility of any toll bridge project for the bridging of a river forming a portion of the boundary of this state, and the adjoining state. The department may use funds available to it to carry out the purposes of this section. These agreements may provide that if any such project is determined to be feasible and is adopted, any advancement of funds by any state or county may be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived from the project.

[1984 c 7 § 249; 1961 c 13 § 47.56.042. Prior: 1955 c 203 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.050 Purchase of bridges and ferries authorized--Provisions applicable.

(1) The department, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries under subsection (1) of this section, the department, the state treasurer, any city, county, or other political subdivision of this state, and all of their officers:

(a) Are empowered and required to do all acts and things provided for in this chapter to establish and construct toll bridges and operate, finance, and maintain such bridges insofar as the powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing, and maintenance; and

(b) In purchasing, operating, financing, and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase under this section, shall act in the same manner and under the same procedures as are provided in this chapter to establish, construct, operate, finance, and maintain toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing, and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) of this section, the department is empowered: (a) To cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for that bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell, and redeem bonds, and to deposit and pay out the proceeds of the bonds for the financing thereof; (c) to collect, deposit, and expend tolls therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 apply when any bridge or bridges or ferries are acquired by purchase pursuant to this section.

[1984 c 7 § 250; 1973 c 106 § 25; 1961 c 13 § 47.56.050. Prior: 1945 c 266 § 1; Rem. Supp. 1945 § 6524-3a.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.060 Toll bridges--General powers of department and officials--Financial statements.

The department, the officials thereof, and all other state officials are empowered to act and make agreements consistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation, and insurance of toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The department shall keep full, complete, and separate accounts of each toll bridge, and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge, which statement shall be open at all reasonable times to the inspection of holders of bonds issued by the department.

[1984 c 7 § 251; 1961 c 13 § 47.56.060. Prior: 1937 c 173 § 17; RRS § 6524-17.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.070 Toll facilities authorized--Provisions applicable--Restrictions.

The department of transportation may, with the approval of the transportation commission, provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the department, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining.

[1977 ex.s. c 151 § 67; 1961 c 13 § 47.56.070. Prior: 1953 c 220 § 3; 1937 c 173 § 3 1/2; RRS § 6524-3 1/2.]

RCW 47.56.075 Toll roads, facilities--Legislative authorization or local sponsorship required.

The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a city, town, or county.

[1984 c 7 § 252; 1961 c 13 § 47.56.075. Prior: 1953 c 220 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.077 Concessions to operate private business on toll road prohibited.

The department shall not grant concessions for the operation or establishment of any privately owned business upon toll road rights of way.

[1984 c 7 § 253; 1961 c 13 § 47.56.077. Prior: 1953 c 220 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.080 Construction of toll bridges and issuance of bonds authorized.

Whenever in the judgment of the transportation commission it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the commission shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the commission be included in the same authority and issue of bonds.

[1977 ex.s. c 151 § 68; 1961 c 13 § 47.56.080. Prior: 1937 c 173 § 6; RRS § 6524-6.]

RCW 47.56.090 Authority to acquire right of way in constructing a toll bridge.

The department of transportation is empowered to secure right of way for toll bridges and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

[1977 ex.s. c 151 § 69; 1961 c 13 § 47.56.090. Prior: 1937 c 173 § 5; RRS § 6524-5.]

RCW 47.56.100 Toll bridges--Right of way across state highways and political subdivisions--Compensation.

The right of way is hereby given, dedicated, and set apart upon which to locate, construct, and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over, or across any state highways, and through, over, or across the streets, alleys, lanes, and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county, or other political subdivision of the state is required to be taken for the construction of any bridge or approach

thereto, or if any such property is injured or damaged by such construction, compensation therefor as may be proper or necessary and as agreed upon may be paid by the department to the particular county, city, or other political subdivision of the state owning the property, or condemnation proceedings may be brought for the determination of the compensation.

[1984 c 7 § 254; 1977 ex.s. c 103 § 4; 1961 c 13 § 47.56.100. Prior: 1937 c 173 § 16; RRS § 6524-16.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.110 Toll bridges--Resolution of necessity in acquiring right of way--Effect of.

Before the department proceeds with any action to secure a right of way or with construction of any toll bridge under the provisions of this chapter, the commission shall first pass a resolution that public interest and necessity require the acquisition of right of way for and the construction of the toll bridge. The resolution is conclusive evidence (1) of the public necessity of such construction; (2) that the property is necessary therefor; and (3) that the proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the department to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the department. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any toll bridge, real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public, or municipal corporation, county, city, town, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use as provided in this chapter for the same public use or purpose to which the property has been so appropriated or dedicated, or for any other public use or purpose, is a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which the property has already been appropriated or dedicated. It is not necessary in any eminent domain proceedings under this chapter to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings.

[1984 c 7 § 255; 1961 c 13 § 47.56.110. Prior: 1937 c 173 § 11; RRS § 6524-11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.120 Toll bridges--Construction directed--Costs.

In the event that the transportation commission should determine that any toll bridge should be constructed, all cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

[1977 ex.s. c 151 § 70; 1961 c 13 § 47.56.120. Prior: 1937 c 173 § 4; RRS § 6524-4.]

RCW 47.56.130 Toll bridges--Bonds--Cooperative funds from state and federal government.

The department is hereby empowered to issue bonds for the construction of any toll bridge or toll bridges authorized under the provisions of this chapter. Any and all bonds issued for the construction of any toll bridge or toll bridges under the authority of the department shall be issued in the name of the department, shall constitute obligations only of the department, shall be identified as toll bridge bonds, and shall contain a recital on the face thereof that the payment or redemption of the bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges for the construction of which the bonds are issued and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability, or obligation of the state of Washington. The department is empowered to receive and accept funds from the state of Washington or the federal government upon a cooperative or other basis for the construction of any toll bridge authorized under this chapter and is empowered to enter into such agreements with the state of Washington or the federal government as may be required for the securing of such funds.

[1984 c 7 § 256; 1961 c 13 § 47.56.130. Prior: 1937 c 173 § 7; RRS § 6524-7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.140 Toll bridges, bonds--Form, contents, manner of sale--Interim bonds.

The revenue bonds may be issued and sold by the department of transportation from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The department of transportation shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds may be payable at such place as determined by the department. They may be in any form including bearer bonds or registered bonds as provided in RCW 39.46.030, with interest payable at such times as determined by the department, and shall mature at such times and in such amounts as the department prescribes. The department may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The

countersignature of the governor on such bonds and the signature of the state auditor on any coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The department may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the department deems proper. The department may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The department may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

[1983 c 167 § 118; 1970 ex.s. c 56 § 62; 1969 ex.s. c 232 § 33; 1963 ex.s. c 3 § 45; 1961 c 13 § 47.56.140. Prior: 1953 c 79 § 1; 1937 c 173 § 8; RRS § 6524-8.]

Notes:

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.

Purpose--1970 ex.s. c 56: See note following RCW 39.52.020.

Validation--Saving--Severability--1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 47.56.150 Toll bridges--Bond proceeds and toll revenues, disposition of--Construction fund--Disbursement--Investment.

The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid to the state treasurer for the credit of the department and be deposited as demand deposits forthwith in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a fund to be designated as the construction fund of the particular toll bridge or toll bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the construction of such toll bridge or toll bridges, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor shall arise. The department may agree with the purchaser of the bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current construction costs of the toll bridge or toll bridges for which such bonds were issued and sold, and all funds constituting surplus revenues that are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in

bonds and obligations of the nature eligible for investment of surplus state moneys: PROVIDED, That the department may provide in the proceedings authorizing the issuance of these bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment, and such provisions shall thereupon be binding upon the department and all officials having anything to do with the investment. Any surplus which may exist in the construction fund shall be applied to the retirement of bonds issued for the construction of such toll bridge or toll bridges by purchase or call. If these bonds cannot be purchased at a price satisfactory to the department and are not by their terms callable prior to maturity, the surplus shall be paid into the fund applicable to the payment of principal and interest of the bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying the surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called. Such limitations and conditions shall be followed and observed in the application and use of the surplus. All bonds so retired by purchase or call shall be immediately canceled.

[1984 c 7 § 257; 1961 c 13 § 47.56.150. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.160 Toll bridges--Toll revenue fund.

All tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the department to the state treasurer. The treasurer shall deposit them forthwith as demand deposits in a depository or depositories authorized by law to receive deposits of state funds. The deposit shall be made to the credit of a special trust fund designated as the toll revenue fund of the particular toll bridge or toll bridges producing the tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

[1984 c 7 § 258; 1961 c 13 § 47.56.160. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.170 Toll bridges--Transfer of funds for bond payments--Surplus funds.

From the money deposited in each separate construction fund under RCW 47.56.160, the state treasurer shall transfer to the place or places of payment named in the bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of a particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in the bonds such sums as may be required to pay the interest on the bonds and redeem the principal

thereof as the interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues so deposited in the toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied solely for the payment of that principal or interest. The proceedings authorizing the issuance of bonds may provide for setting up a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of the fund in a manner to be provided therein. The proceedings may also require the immediate application of all surplus moneys in the toll revenue fund to the retirement of the bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of the department.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as provided in this section shall be held and applied as provided in the proceedings authorizing the issuance of the bonds. If the proceedings authorizing the issuance of the bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation, and maintenance of the toll bridge or bridges as the department may determine.

[1984 c 7 § 259; 1961 c 13 § 47.56.170. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.180 Toll bridges--Payments made by warrants on vouchers--Interest on deposits.

Warrants for payments to be made on account of the bonds shall be duly drawn by the state treasurer on vouchers approved by the department.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining, and repairing the bridge or bridges shall be paid from the proper fund therefor by the state treasurer upon vouchers approved by the department.

All interest received or earned on money deposited in each and every fund provided for in this chapter shall be credited to and become a part of the particular fund upon which the interest accrues.

[1984 c 7 § 260; 1973 c 106 § 26; 1961 c 13 § 47.56.180. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.190 Toll bridges--Agreement on deposit of funds.

The department may provide in the proceedings authorizing the issuance of bonds or may

otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the construction fund and the toll revenue fund and provide for the deposit of the money at such times and with such depositaries or paying agents and upon the furnishing of security as meets with the approval of the purchasers of the bonds so long as the depositaries and security provided for or agreed upon are qualified and eligible in accordance with the requirements of law.

[1984 c 7 § 261; 1961 c 13 § 47.56.190. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.200 Toll bridges--Use of bond proceeds and revenue for expenses.

Notwithstanding anything contained in this chapter, the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or toll bridges may be used to defray any expenses incurred by the department in connection with and incidental to the issuance and sale of bonds for the construction of the toll bridge or toll bridges including expenses for the preparation of surveys and estimates and making inspections and examinations required by the purchasers of the bonds. In addition, the proceedings authorizing the issuance of the bonds may contain appropriate provisions governing the use and application of the bond proceeds and toll or other revenues for the purposes herein specified.

[1984 c 7 § 262; 1961 c 13 § 47.56.200. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.210 Toll bridges--Remedies of bond holders.

While any bonds issued by the department under this chapter remain outstanding, the powers, duties, or existence of the department or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official, or employee, or imposed upon the department or its officers, agents, and employees in connection with the construction, maintenance, operation, and insurance of any bridge, and in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds. The enumeration of rights and remedies in this section shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of the bonds.

[1984 c 7 § 263; 1961 c 13 § 47.56.210. Prior: 1937 c 173 § 18; RRS § 6524-18.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.220 Toll bridges--Limitations on other service--Protection of outstanding bonds.

Except as otherwise provided in RCW 47.56.291, *47.56.714, and 47.56.756, as long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge or other crossing over, under, through, or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: PROVIDED, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the state department of transportation, the state of Washington, and all of its departments, agencies, or instrumentalities as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

[1983 c 3 § 128; 1979 ex.s. c 212 § 19; 1979 c 131 § 8; 1961 c 13 § 47.56.220. Prior: 1937 c 173 § 13; RRS § 6524-13.]

Notes:

***Reviser's note:** RCW 47.56.714 was repealed by 1990 c 42 § 403, effective September 1, 1990.

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.230 Toll bridges--Insurance or indemnity bonds authorized.

When any toll bridge or bridges authorized under this chapter is being built by the department, the department may carry or cause to be carried an amount of insurance or indemnity bond or bonds as protection against loss or damage as the department may deem proper. The department is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or toll bridges until all

bonds sold for the construction of the toll bridge or toll bridges and interest accrued thereon have been fully redeemed and paid. All moneys collected on any indemnity bond or insurance policy as the result of any damage or injury to the toll bridge or toll bridges shall be used for the purpose of repairing or rebuilding the toll bridge or toll bridges as long as there are revenue bonds against any such structure outstanding and unredeemed. The department is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges by reason of any interruption in the use of the toll bridge or toll bridges from any cause whatever, and the proceeds of the insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the fund. The insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of the toll bridge or toll bridges during any period of time that may be determined by the department and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in the proceedings. The department may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter, and the purchase and carrying of insurance as authorized by this chapter, and the purchase and carrying of such insurance shall thereupon be obligatory upon the department and be paid for out of the toll revenue fund as may be specified in the proceedings.

[1984 c 7 § 264; 1961 c 13 § 47.56.230. Prior: 1937 c 173 § 15; RRS § 6524-15.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.240 Toll bridges--Fixing of toll rates authorized--Lien of bonds on revenue.

The commission is hereby empowered to fix the rates of toll and other charges for all toll bridges built under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions warrant. The commission, in establishing toll charges, shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance, and to the amount required annually to meet the redemption of bonds and interest payments on them. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the bonds become due. The bond redemption and interest payments constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon. Sinking funds created therefrom received from the use and operation of the toll bridge or toll bridges, and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as any of these bonds are outstanding and unpaid.

[1984 c 7 § 265; 1961 c 13 § 47.56.240. Prior: 1937 c 173 § 9; RRS § 6524-9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.242 Liquidation and closure of facility accounts upon removal of tolls--Transfer to motor vehicle fund.

The department is authorized to liquidate and close toll facility trust and other facility accounts established outside the state treasury under chapter 47.56 RCW after the removal of tolls from the facility for which the accounts were established. Any balance remaining in the accounts shall thereupon be transferred to the motor vehicle fund. In addition, the department may, after the removal of tolls from a particular facility or facilities, require that all moneys transferred to the place of payment named in the revenue bonds, for the purpose of paying principal or interest or for redemption of the bonds not then expended for such purpose, be returned to the state treasurer for deposit in the motor vehicle fund.

[1984 c 7 § 266; 1967 ex.s. c 145 § 48.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.243 Liquidation and closure of facility accounts upon removal of tolls--Satisfaction of claims.

After transfer of such moneys pursuant to RCW 47.56.242, all valid claims against such accounts, including proper claims for refunds for unused commute media and other prepaid toll fees, may be satisfied, and any outstanding bonds or any coupons may be redeemed by payment from the motor vehicle fund upon proper application to and approval by the department of transportation.

Neither the provisions of this section nor of RCW 47.56.242 shall be construed to preclude any remedy otherwise available to bond owners or coupon holders.

[1983 c 167 § 119; 1967 ex.s. c 145 § 49.]

Notes:

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.

RCW 47.56.245 Toll charges retained until costs paid.

The department shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been fully paid. With respect to every facility completed after March 19, 1953, costs of maintenance, management, and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred.

[1984 c 7 § 267; 1965 ex.s. c 170 § 53; 1961 c 13 § 47.56.245. Prior: 1953 c 220 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.247 Credit permits for vehicular passage.

The department may issue permits for the passage of vehicles on any or all of its toll bridges, toll tunnels, toll roads, or for the Washington state ferry system on a credit basis upon such terms and conditions as the department deems proper.

[1984 c 7 § 268; 1961 c 258 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 258: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 258 § 3.]

RCW 47.56.248 Credit permits for vehicular passage--Cash deposit or bond--Revocation of permit.

The department may require the holder of the permit to furnish to and maintain in force with the department a cash deposit or a corporate surety bond. The department may require the holder of the permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with any of its terms.

[1984 c 7 § 269; 1961 c 258 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 258: See note following RCW 47.56.247.

RCW 47.56.250 Contributions by the state or political subdivision--Bonds--Repayment.

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the transportation commission advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the transportation commission advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the commission to finance the toll facility. Appropriations for such purposes may be made from any

funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the commission be placed with the department of transportation to be sold by the department to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the department to be used for the purpose for which contribution was made. The commission may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The commission may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

[1977 ex.s. c 151 § 71; 1961 c 13 § 47.56.250. Prior: 1959 c 162 § 1; 1955 c 166 § 1; 1937 c 173 § 12; RRS § 6524-12.]

RCW 47.56.253 Permits, leases, licenses to governmental entities to use property of toll facility or ferry system.

If the department deems it in the public interest and not inconsistent with the use and operation of the toll facility involved, the department may on application therefor issue a permit, lease, or license to the state, or to any city, county, port district, or other political subdivision or municipal corporation of the state to use any portion of the property of any toll bridge, toll road, toll tunnel, or Washington state ferry system upon such terms and conditions as the department may prescribe.

[1984 c 7 § 270; 1961 c 257 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 257: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 257 § 7.]

RCW 47.56.254 Sale of unneeded property--Authorized--Rules.

If the secretary of transportation determines that any real property (including lands, improvements thereon, and any interests or estates) originally acquired for toll facility purposes is no longer required for purposes of the department, the department shall offer it for sale as authorized by RCW 47.12.063 or 47.12.283. The department may adopt rules further implementing this section.

[1979 ex.s. c 189 § 4; 1977 ex.s. c 151 § 72; 1973 1st ex.s. c 177 § 3; 1961 c 257 § 3.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

Severability--1961 c 257: See note following RCW 47.56.253.

RCW 47.56.255 Sale of unneeded property--Certification to governor--Execution, delivery of deed.

When full payment for real property agreed to be sold as authorized by RCW 47.56.254 has been received, the department may certify this fact to the governor, with a description of the land and terms of the sale, and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

[1984 c 7 § 271; 1973 1st ex.s. c 177 § 4; 1961 c 257 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 257: See note following RCW 47.56.253.

RCW 47.56.256 Franchises for utility, railway, urban public transportation purposes.

If the department deems it not inconsistent with the use and operation of any department facility, the department may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any portion of the property of any toll bridge, toll road, toll tunnel, or the Washington state ferry system, including approaches thereto, for the construction and maintenance of water pipes, flumes, gas pipes, telephone, telegraph, and electric light and power lines and conduits, trams or railways, any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities in the manner of granting franchises on state highways.

[1984 c 7 § 272; 1967 c 108 § 12; 1961 c 257 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 257: See note following RCW 47.56.253.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.56.257 Deposit of moneys received under RCW 47.56.253 through 47.56.256.

Any moneys received pursuant to the provisions of RCW 47.56.253 through 47.56.256 shall be deposited into the separate and proper trust fund with the state treasurer established for the respective toll facility.

[1979 ex.s. c 189 § 5; 1961 c 257 § 6.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

Severability--1961 c 257: See note following RCW 47.56.253.

RCW 47.56.270 Lake Washington and Tacoma Narrows bridges part of primary highways.

The Lake Washington bridge and the Tacoma Narrows bridge in chapter 47.17 RCW made a part of the primary state highways of the state of Washington, shall, upon completion, be operated, maintained, kept up, and repaired by the department in the manner provided in this chapter, and the cost of such operation, maintenance, upkeep, and repair shall be paid from funds appropriated for the use of the department for the construction and maintenance of the primary state highways of the state of Washington.

[1983 c 3 § 129; 1961 c 13 § 47.56.270. Prior: 1939 c 5 § 4; RRS § 6524-3a.]

RCW 47.56.271 Tacoma Narrows bridge--Toll free facility.

The Tacoma Narrows bridge hereinbefore by the provisions of RCW 47.17.065 and 47.56.270 made a part of the primary state highways of the state shall be operated and maintained by the department as a toll-free facility at such time as the present bonded indebtedness relating thereto is wholly retired and tolls equaling the present indebtedness of the toll bridge authority to the county of Pierce have been collected. It is the express intent of the legislature that the provisions of RCW 47.56.245 (section 47.56.245, chapter 13, Laws of 1961) shall not be applicable to the Tacoma Narrows bridge.

[1983 c 3 § 130; 1965 c 50 § 1.]

RCW 47.56.273 Fox Island toll bridge--Need for removal of tolls.

Present tolls on the Fox Island toll bridge have retarded the development of Fox Island for residential purposes because of the financial burden upon residents and potential residents resulting from paying these tolls in addition to those imposed upon the Narrows bridge. The removal or readjustment of tolls from the Fox Island toll bridge is required in the interest of the orderly development of Fox Island. The development of Fox Island will provide additional users of the Narrows bridge with a resultant increase of revenue to the state from tolls due to such additional use.

[1961 c 13 § 47.56.273. Prior: 1957 c 270 § 1.]

RCW 47.56.282 Additional Lake Washington bridge (1957 Act)--Revenue bonds--Toll charges and other support.

The authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all costs of construction of an additional Lake Washington bridge and approaches and all costs of construction or any alterations to the existing Lake Washington bridge or its approaches as a result of the construction of the additional bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering,

all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted and from any other moneys or funds available therefor. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

[1965 ex.s. c 170 § 56; 1961 c 13 § 47.56.282. Prior: 1957 c 266 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.284 Additional Lake Washington bridge (1957 Act)--Continuous project--Authorization of other additional bridges.

The existing Lake Washington bridge, the toll bridge authorized in chapter 266, Laws of 1957, and any other bridge hereafter constructed across Lake Washington, are hereby construed and designated as a continuous project within the terms and provisions of RCW 47.56.070; and notwithstanding the provisions of RCW 47.56.220, the department may authorize additional toll bridges across Lake Washington at such times as traffic may warrant and at such sites as deemed feasible.

[1984 c 7 § 273; 1961 c 13 § 47.56.284. Prior: 1957 c 266 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.286 Additional Lake Washington bridge (1957 Act)--Interpretation.

The provisions of chapter 47.56 RCW, except where inconsistent with RCW 47.56.282 through 47.56.286, shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.282 through 47.56.286. Nothing in RCW 47.56.282 through 47.56.286 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the department except as such powers and duties are

amplified or modified by the specific provisions of RCW 47.56.282 through 47.56.286 for the uses and purposes herein set forth. RCW 47.56.282 through 47.56.286 are additional to such existing statutes and concurrent therewith.

[1985 c 7 § 114; 1984 c 7 § 274; 1961 c 13 § 47.56.286. Prior: 1957 c 266 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.287 Second Lake Washington bridge--Use of motor vehicle fund to pay deficits.

To the extent that revenues from the imposition of tolls and franchise fees for use of the second Lake Washington bridge authorized and constructed under the provisions of *RCW 47.56.281 are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds issued pursuant to the provisions of RCW 47.56.282 or on any subsequent refunding bond issues, the department shall use moneys in the motor vehicle fund to pay such deficits.

[1984 c 7 § 275; 1965 ex.s. c 170 § 54.]

Notes:

***Reviser's note:** RCW 47.56.281 was decodified by 1984 c 7 § 387.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.288 Second Lake Washington bridge--Designation of funds to pay deficits--Pledge of excise tax proceeds.

Any funds required to pay such deficits shall be from the proceeds of state excise taxes on motor vehicle fuels and shall be taken from that portion of the motor vehicle fund which is or may be appropriated for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet such deficits.

The proceeds of such excise taxes are hereby pledged to the payment of any such deficits in the costs of maintenance and operation of the bridge and in the payment of principal and interest which may arise on account of the bonds issued under the provisions of RCW 47.56.282, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, such deficits.

[1965 ex.s. c 170 § 55.]

RCW 47.56.290 Additional Lake Washington bridge (1953 Act)--Appropriation--Repayment from bond issue.

There is hereby appropriated from the motor vehicle fund to the Washington toll bridge

authority for the biennium ending March 31, 1955, the sum of two hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of chapter 192, Laws of 1953, which sum shall be considered as a loan from the motor vehicle fund to be repaid to said fund on the sale of bonds issued in connection therewith.

[1961 c 13 § 47.56.290. Prior: 1953 c 192 § 2.]

RCW 47.56.291 Additional Lake Washington bridge in vicinity of first bridge--Design and construction authorized.

Notwithstanding the provisions of RCW 47.56.220, the Washington state highway commission is authorized to design and construct an additional bridge across Lake Washington at a site in the vicinity of the first Lake Washington bridge.

[1965 ex.s. c 170 § 57.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.310 Additional Columbia river bridge--Vancouver to Portland bridges--Cooperation with Oregon.

The Washington toll bridge authority is hereby authorized in conjunction with the Oregon state highway commission, to erect an additional bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river adjacent to the existing interstate bridge between Vancouver, Washington, and Portland, Oregon, and to reconstruct and improve the said existing interstate bridge and its approaches or so much thereof as may be agreed upon with the Oregon state highway commission. Such additional bridge, together with the existing interstate bridge, shall be an integral part of U.S. highway No. 99, and to the Oregon boundary shall be a part of primary state highway No. 1. All acts necessary to the design and construction of said new bridge and approaches thereto and the reconstruction and alteration of the existing bridge and approaches may be done and performed by either the Oregon state highway commission or the Washington toll bridge authority with the approval of the other or by both of them jointly.

[1961 c 13 § 47.56.310. Prior: 1955 c 152 § 1; 1953 c 132 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.320 Additional Columbia river bridge--Tolls.

The Washington toll bridge authority is authorized to enter into an agreement with the Oregon state highway commission that the new bridge, including approaches, provided for

herein shall be merged and consolidated with the existing interstate bridge, including its approaches, located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of both bridges constituting said toll facility for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, the reconstruction and improvement of the existing interstate bridge including approaches thereto in both states, the cost of maintaining, operating and repairing both of said bridges while the same are operated as said toll facility, and for the payment of the principal of and interest on its revenue bonds authorized by, and for the purposes set forth in, RCW 47.56.310 through 47.56.345.

[1961 c 13 § 47.56.320. Prior: 1955 c 152 § 2; 1953 c 132 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.330 Additional Columbia river bridge--Agreements with Oregon authorized.

The Washington toll bridge authority and the Washington state highway commission are hereby authorized to enter into such agreements with the Oregon state highway commission as they shall find necessary or convenient to carry out the purposes of RCW 47.56.310 through 47.56.345.

Any such agreements may include, but shall not be limited to, the following:

(1) A provision that all acts pertaining to the design and construction of said new bridge and the reconstruction and improvement of the existing interstate bridge may be done and performed by the Oregon state highway commission or the Washington toll bridge authority, with the approval of the other, or by both, and that any and all contracts for the construction of the new bridge and the reconstruction and improvement of the existing bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington under direction of the Washington toll bridge authority, or both: PROVIDED, That there shall be a further provision that each state shall have full power to design and construct approaches to each bridge within the respective boundaries of said state with reimbursement from the proceeds of the sale of revenue bonds to be issued.

(2) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified, itemized statements of

such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington toll bridge authority.

(3) A provision that during the period of operation of said bridges and the approaches thereto as a toll facility all maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington toll bridge authority with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on said toll facility.

Any such agreements shall include the following provisions:

(1) A provision that the new bridge and approaches provided for herein shall be consolidated and merged with the existing interstate bridge and its approaches located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

(2) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of both bridges and approaches thereto as a single toll facility except as to repair and maintenance, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of said bridges and to disburse the revenue derived therefrom for the payment of expenses of maintenance and operation and repair thereof, all costs of constructing said new bridge and reconstructing and improving said existing bridge and all expenses incidental thereto, and the payment of the principal of and the interest on the revenue bonds herein provided for.

(3) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon both bridges as a single toll facility, and that such bonds shall be in such amounts as to provide funds with which to pay the costs of the design and construction of the proposed new bridge, including the approaches thereto in both states and the costs of acquisition of rights of way therefor, the reconstruction and alteration of the existing bridge and approaches thereto, expenses incident to the issuance of such bonds including the payment of interest for the period beginning with the date of issuance thereof and ending at the expiration of six months after tolls are first imposed, and a reasonable amount for working capital and prepaid insurance, with the further provision that any sale of the bonds to be issued shall be approved by the Oregon state highway commission.

(4) A provision that the Washington toll bridge authority, after consultation with the Oregon state highway commission, shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Oregon state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed, with the further provision that such toll charges shall be removed after all costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs, shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed.

[1961 c 13 § 47.56.330. Prior: 1955 c 152 § 4; 1953 c 132 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority and highway commission transferred to department of transportation; see RCW 47.01.031. Terms "Washington toll bridge authority" and "Washington state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.56.340 Additional Columbia river bridge--When toll free.

Both the bridges herein provided for shall be operated as toll-free bridges whenever the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs shall have been paid, and when all of said revenue bonds and interest thereon issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed.

[1961 c 13 § 47.56.340. Prior: 1955 c 152 § 3; 1953 c 132 § 4.]

RCW 47.56.343 Additional Columbia river bridge--Revenue bonds.

The Washington toll bridge authority shall have the power and is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all costs of survey, acquisition of rights of way, engineering, legal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users of said toll facility, and to pay amounts that will provide a reasonable sum for working capital and prepaid insurance and all costs incidental to the issuance and sale of the bonds.

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such

amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

[1961 c 13 § 47.56.343. Prior: 1955 c 152 § 5.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.345 Additional Columbia river bridge--Construction--Severability.

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.310 through 47.56.345. Nothing in RCW 47.56.310 through 47.56.345 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the department except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.310 through 47.56.345 for the uses and purposes herein set forth, and RCW 47.56.310 through 47.56.345 shall be additional to such existing statutes and concurrent therewith.

If any sentence, clause, or phrase of RCW 47.56.310 through 47.56.345 is held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other sentence, clause, or phrase of RCW 47.56.310 through 47.56.345.

The provisions of RCW 47.56.310 through 47.56.345 shall be liberally construed so that the uses and purposes hereof may be achieved and accomplished.

[1984 c 7 § 276; 1961 c 13 § 47.56.345. Prior: 1955 c 152 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.360 Bridging Puget Sound, Hood Canal--Operation, maintenance, prior charge upon revenue--Appropriations to be repaid.

All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority, together with the sum of two hundred twenty-five thousand dollars heretofore appropriated by section 19, chapter 259, Laws of 1951, shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds of any project.

[1961 c 13 § 47.56.360. Prior: 1953 c 78 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.366 Hood Canal bridge--Public sport fishing--Disclaimer of liability.

The department may permit public sport fishing from the Hood Canal bridge. The department may adopt rules governing public use of the bridge for sport fishing to the end that such activity shall not interfere with the primary use and operation of the bridge as a highway facility. Notwithstanding the provisions of RCW 4.92.090 or any other statute imposing liability upon the state of Washington, the state hereby disclaims any liability arising out of loss or injury in connection with the public use of the Hood Canal bridge for sport fishing purposes.

[1984 c 7 § 277; 1963 c 240 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.380 Express highway--Tacoma-Seattle-Everett--Limited access.

The department is authorized to study and if feasible, after approval by the transportation commission to locate, construct, finance and operate as a toll road, until paid for, an express highway from the vicinity of Tacoma through Seattle to the vicinity of Everett. Right of way shall be acquired as a limited access facility.

[1984 c 7 § 278; 1961 c 13 § 47.56.380. Prior: 1953 c 183 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.390 Express highway--Operation as toll highway--Part of state system.

The toll road, when completed, shall become a part of the state highway system but may be operated as a toll highway by the department until such time as all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of advances from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945, have been fully paid.

[1984 c 7 § 279; 1961 c 13 § 47.56.390. Prior: 1953 c 183 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.400 Express highway--Powers and duties of department.

The department has the same powers, duties, and functions with respect to toll roads as the Washington toll bridge authority had with respect to toll bridges, and all the provisions of chapter 47.56 RCW apply to and govern toll roads insofar as is reasonably consistent and

applicable, except as otherwise provided in RCW 47.56.380 through 47.56.400.

[1984 c 7 § 280; 1961 c 13 § 47.56.400. Prior: 1953 c 183 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.410 Lopez Island-San Juan toll bridge--Appropriation--Study--Location, exploration, foundation, design.

There is appropriated to the Washington toll bridge authority from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred seventy-five thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(1) Twenty-five thousand dollars of the appropriation shall be available to study and make surveys, including traffic studies acceptable to prospective bond purchasers or investment firms, of the feasibility of the construction of a toll bridge between Lopez Island and San Juan Island in San Juan county so as to permit ferry runs from the mainland to Upright Head, overland travel from Upright Head to Roche Harbor, and ferry runs from Roche Harbor to Sidney, British Columbia. It shall be understood in such feasibility studies that San Juan county shall construct and maintain all road connections between the proposed bridge and the ferry landings at Upright Head and Roche Harbor.

(2) If as a result of the studies referred to above the toll bridge authority determines the project is feasible, and if San Juan county shall agree to sponsor such project and to conduct and maintain the road connections referred to above, one hundred fifty thousand dollars shall be available for the location, foundation exploration, and design of such bridge.

[1961 c 13 § 47.56.410. Prior: 1957 c 141 § 1.]

RCW 47.56.420 Lopez Island-San Juan toll bridge--Final designs, construction, revenue bonds authorized.

If the project is deemed feasible by the authority, the authority shall enter into final design plans, and construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in accordance with the applicable provisions of RCW 47.56.080 through 47.56.250, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months thereafter.

[1961 c 13 § 47.56.420. Prior: 1957 c 141 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.430 Lopez Island-San Juan toll bridge--Operation, maintenance, prior

charge upon revenue--Appropriations to be repaid.

All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project.

[1961 c 13 § 47.56.430. Prior: 1957 c 141 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.440 Lopez Island-San Juan toll bridge--Effect of toll bridge authority resolution No. 295--Ferry system refunding revenue bonds.

Nothing authorized by RCW 47.56.410 through 47.56.440 shall be undertaken or done in any manner not in accord with any of the covenants and conditions contained in resolution No. 295 passed by the toll bridge authority on February 9, 1955, providing for the sale of Washington state ferry system refunding revenue bonds; and all things authorized by RCW 47.56.410 through 47.56.440, including but not limited to feasibility, studies, location, design, construction and financing, shall be performed in accordance with the covenants and conditions of said resolution. If the terms of such resolution shall require that tolls on the bridge authorized by RCW 47.56.410 through 47.56.440 be used to redeem outstanding bonds issued pursuant to said resolution, such tolls shall be so used.

[1961 c 13 § 47.56.440. Prior: 1957 c 141 § 4.]

RCW 47.56.450 Columbia river bridge at Biggs Rapids--Authorized--Cooperation with Klickitat county, highway commission, Oregon highway commission and Sherman county.

If the Washington toll bridge authority should conclude that the construction of a toll bridge across the Columbia river in the vicinity of Biggs Rapids is feasible as a result of studies presently being conducted, the authority is hereby authorized, in conjunction with Klickitat county, the Washington state highway commission, the Oregon state highway commission, and Sherman county, Oregon, to design and construct a toll bridge at such location. All acts necessary to the design and construction of such bridge and approaches thereto may be done by the Washington toll bridge authority, Klickitat county, the Washington state highway commission, the Oregon state highway commission, Sherman county, Oregon, or any of such governmental agencies pursuant to agreement with the Washington toll bridge authority.

[1961 c 13 § 47.56.450. Prior: 1957 c 142 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority and highway commission transferred

to department of transportation; see RCW 47.01.031. Terms "Washington toll bridge authority" and "Washington state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.56.460 Columbia river bridge at Biggs Rapids--Appropriation--Repayment from bond issue.

There is appropriated from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary for the purpose of location, design, preparation of cost estimates, and all other things preliminary to the construction of such bridge. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project as provided in RCW 47.56.470.

[1961 c 13 § 47.56.460. Prior: 1957 c 142 § 2.]

RCW 47.56.470 Columbia river bridge at Biggs Rapids--Revenue bonds.

The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW 47.56.450 through 47.56.500, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

[1961 c 13 § 47.56.470. Prior: 1957 c 142 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.480 Columbia river bridge at Biggs Rapids--Construction of act.

The provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.450 through 47.56.500. Nothing in RCW 47.56.450 through 47.56.500 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.450 through 47.56.500 for the uses and purposes herein set forth, and RCW 47.56.450 through 47.56.500 shall be additional to such existing statutes and concurrent therewith.

[1961 c 13 § 47.56.480. Prior: 1957 c 142 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.490 Columbia river bridge at Biggs Rapids--Powers of department--Tolls.

The department is authorized to operate and to assume the full control of the toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of the bridge for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction, maintenance, repair, and operation of the bridge and approaches in both states, and for the payment of the principal of and interest on its revenue bonds as authorized by RCW 47.56.470.

[1984 c 7 § 281; 1961 c 13 § 47.56.490. Prior: 1957 c 142 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.500 Columbia river bridge at Biggs Rapids--Agreements authorized.

The Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to enter into such agreement with each other, the Oregon state highway commission and Sherman county, Oregon, as they shall find necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500; and the Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to do any and all acts contained in such agreement and necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500.

Such agreement shall include, but shall not be restricted to the following provisions:

(1) A provision that the Washington toll bridge authority shall assume and have complete

responsibility for the operation of such bridge and approaches thereto, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of such bridge and to disburse the revenue derived therefrom for the expenses of maintenance and operation and repair thereof, all costs of construction, and the payment of principal and interest on any revenue bonds herein provided for.

(2) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon such toll bridge.

(3) A provision that the Washington toll bridge authority, after consultation with the other governmental agencies who are parties to such agreement, shall fix and revise the classifications and amounts of tolls to be charged and collected from the users of the toll bridge, with the further provision that such toll charges shall be removed after all costs of planning, designing, and construction of such toll bridge and approaches thereto and all incidental costs shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to RCW 47.56.450 through 47.56.500 shall have been fully paid and redeemed.

(4) A provision that all acts pertaining to the design and construction of such toll bridge may be done and performed by the Oregon state highway commission, the Washington state highway commission or the Washington toll bridge authority, or any of them, and that any and all contracts for the construction of such toll bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission or its toll bridge authority, or all of them.

(5) A provision that the state of Washington, the state of Oregon, and all governmental agencies party to such agreement shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified itemized statements of such advances and expenses have been submitted to and been approved by all parties to such agreement.

(6) A provision that during the period of operation of such bridge and approaches thereto as a toll facility all maintenance and repair may be performed by either the Oregon state highway commission or the Washington state highway commission with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on such bridge.

[1961 c 13 § 47.56.500. Prior: 1957 c 142 § 6.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority and highway commission transferred to department of transportation; see RCW 47.01.031. Terms "Washington toll bridge authority" and "Washington state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.56.580 Naches Pass tunnel--What studies and surveys shall include.

Such studies and surveys shall include but shall not be confined to the following:

- (1) The most desirable design, tunnel approaches, and connecting roads;
- (2) The most desirable location;

- (3) The cost of construction and the length of construction time required;
- (4) The financial feasibility of the tunnel and the amount, if any, of supplementary aid required to finance it;
- (5) The relative economic benefit to counties, cities, or other political subdivisions to be principally served by construction of the tunnel;
- (6) The benefit to the state highway system, taking into account the statewide interest in the tunnel and the estimated additional motor vehicle fuel tax revenue which would accrue to the motor vehicle fund as a result of the construction of the tunnel.

[1961 c 13 § 47.56.580. Prior: 1959 c 292 § 2.]

RCW 47.56.590 Naches Pass tunnel--Plan for financing.

Upon the completion of such studies and surveys, the highway commission and the toll bridge authority, in cooperation with the joint fact-finding committee on highways, streets and bridges, shall prepare a plan for financing the project. The plan shall include the cost of the entire project; the portion of such total cost which can be financed by the issuance of toll bridge authority revenue bonds; the portion of such total cost and the amount of guarantee funds which should be contributed or advanced by any political subdivisions to be economically benefited by construction of the project; and the portion of such total cost and the amount of guarantee funds which should be contributed from that portion of the motor vehicle fund available to the department of highways for state highway purposes. When completed, the financing plan shall be adopted by resolution of the commission and the authority.

[1961 c 13 § 47.56.590. Prior: 1959 c 292 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "highway commission" and "toll bridge authority" mean department of transportation; see RCW 47.04.015.

RCW 47.56.600 Naches Pass tunnel--Design.

Upon adoption of the financing plan the commission and the authority, acting jointly, shall forthwith proceed to make the design for the entire project.

[1961 c 13 § 47.56.600. Prior: 1959 c 292 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "commission" and "authority" mean department of transportation; see RCW 47.04.015.

RCW 47.56.610 Naches Pass tunnel--Contribution by political subdivisions.

After adoption of the financing plan, the authority and the highway commission, acting jointly, shall request any political subdivision which will be benefited by the construction of the project, to advance or contribute money or bonds toward the expenses of construction or to

guarantee toll bridge authority revenue bonds to be issued to finance the project.

[1961 c 13 § 47.56.610. Prior: 1959 c 292 § 5.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "authority," "toll bridge authority," and "highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.56.630 Naches Pass tunnel--Repayment to motor vehicle fund of funds appropriated.

All funds herein appropriated from the motor vehicle fund to the Washington state highway commission and the Washington toll bridge authority shall be considered as a loan and shall be repaid by the commission and the authority to the motor vehicle fund upon the sale of bonds for this project.

[1961 c 13 § 47.56.630. Prior: 1959 c 292 § 7.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "Washington state highway commission" and "Washington toll bridge authority" mean department of transportation; see RCW 47.04.015.

RCW 47.56.631 Naches Pass tunnel--Additional studies--Route of highway and tunnel--Appropriation.

The Washington toll bridge authority is authorized and directed to make all necessary traffic studies, acceptable to prospective bond purchasers or investment firms to determine the amount of subsidy or other financial assistance necessary to make feasible the construction of a toll highway and tunnel on primary state highway 5 through the Cascade mountains, together with the necessary approaches connecting to existing highways. Said highway and tunnel project shall start on state highway 5 near the junction of the White and Greenwater rivers; thence in an easterly direction through Greenwater river drainage area to the west portal of the tunnel under Pyramid Park; thence to the east portal; thence following the north fork of the Little Naches river to the Little Naches river; thence down to its junction with the Bumping river at state highway 5.

There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1963 the sum of fifty thousand dollars to carry out the provisions of this section.

[1961 ex.s. c 21 § 18.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.640 Bridging lower Columbia river in vicinity of Astoria-Megler.

The Washington state highway commission is hereby authorized in conjunction with the

Oregon state highway commission to erect a bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river in the vicinity of Astoria, Oregon and Megler, Washington. Such bridge shall be an integral part of U. S. highway No. 101 and to the Oregon boundary shall be a part of primary state highway No. 12. All acts necessary to the design and construction of said new bridge and approaches thereto may be done and performed by either the Oregon state highway commission or the Washington state highway commission with the approval of the other or by both of them jointly.

[1961 c 209 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.643 Bridging lower Columbia river in vicinity of Astoria-Megler--Agreements with United States--Acceptance of public or private funds.

In order to carry out the provisions of RCW 47.56.640 through 47.56.667 the Washington state highway commission may consult, cooperate and enter into agreements with the government of the United States or any of its agencies and accept and expend moneys from any public or private source, including the government of the United States or any political subdivision, which is now or may be made available for carrying out the purposes contained in RCW 47.56.640 through 47.56.667.

[1961 c 209 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.646 Bridging lower Columbia river in vicinity of Astoria-Megler--Agreements with Oregon--Provisions for Oregon bond issue, powers and duties of both states, tolls, apportionment of costs, etc.

Subject to the conditions stated in RCW 47.56.658, the Washington state highway commission is hereby authorized to enter into such agreements with the Oregon state highway commission as it shall find necessary or convenient to carry out the purposes of RCW 47.56.640 through 47.56.667.

Any such agreements shall include, but shall not be limited to, the following:

(1) A provision that the state of Oregon or the Oregon state highway commission shall issue general obligation bonds in the aggregate principal sum of not to exceed twenty-four million dollars par value or so much thereof as shall be required to pay all costs of location and construction of said bridge, but excluding costs of location, relocation, improvement, construction or reconstruction of approaches as the same are shown and described in "A Report

On a Proposed Bridge Across the Columbia River," prepared by the Oregon and Washington state highway commissions, dated January, 1959. In determining the amount of money required for construction, there shall be taken into account all available financial contributions for such construction costs, of whatever description and from whatever source.

(2) A provision that to the extent that revenues derived from the imposition and collection of tolls and franchise fees for the use of the bridge in any year are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by Oregon or any subsequent refunding bond issues, the state of Oregon will pay the first one hundred thousand dollars of such deficit and the state of Washington is bound to pay, when due, forty percent of the balance of such deficit for such year from any moneys in the motor vehicle fund not otherwise pledged or from any other source available to the Washington state highway commission for said purpose: PROVIDED, That in no case shall the portion of such deficit paid by the state of Washington exceed two hundred thousand dollars in any such year.

(3) A provision that the Oregon state highway commission shall assume and have complete responsibility for the operation of the bridge as a toll facility and each portion thereof, whether within or without the borders of Washington and with full power in the Oregon state highway commission to impose and collect all toll charges and franchise fees from the users of said bridge and to disburse the revenue derived therefrom for the following purposes in the following order:

(a) Payment of all costs of toll collection and insurance in the event the bridge is insured.

(b) Payment of the principal, interest and other charges incidental to the issuance, sale and retirement of the bonds herein provided for including any subsequent refunding bonds.

(4) A provision that the Oregon state highway commission, after consultation with the Washington state highway commission shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Washington state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed.

(5) A provision that all acts pertaining to the design and construction of said bridge may be done and performed by the Oregon state highway commission or the Washington state highway commission with the approval of the other, or by both, and that any and all contracts for the construction of the bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission, or both: PROVIDED, HOWEVER, That there shall be a further provision that each state shall have full power to design and construct approaches to the bridge within the respective boundaries of each state. Such approaches shall constitute a part of the state highways system of each state and the cost of design, right of way and construction thereof shall be borne by the respective states from any funds available for such purposes. In the event design or construction of approaches is included in any contract for the construction of the bridge, the cost of such approaches within the respective boundaries of each state shall be segregated and paid for by the respective states.

Any such agreements may include, but shall not be limited to the following:

(1) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred subsequent to March 1, 1961 for any of the purposes for which said bonds may be issued by the state of Oregon, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington state highway commission.

(2) A provision that during the period of operation of said bridge as a toll facility all or any part of the maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington state highway commission with a provision for payment of the costs of such maintenance and repair one-half from the Oregon state highway commission and one-half from the Washington state highway commission.

[1961 c 209 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "Washington state highway commission" and "Washington toll bridge authority" mean department of transportation; see RCW 47.04.015.

RCW 47.56.649 Bridging lower Columbia river in vicinity of Astoria-Megler--Use of Washington motor vehicle fuel taxes, motor vehicle fund to pay Oregon bonds if tolls and fees insufficient.

To the extent that all revenues from the imposition and collection of tolls and franchise fees for use of the bridge are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by the state of Oregon in connection with this project, or on any subsequent refunding bond issues, there is hereby imposed, to the extent provided in first subsection (2) of RCW 47.56.646, a first and prior charge against all revenues hereafter derived from the proceeds of state excise taxes on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund available for state highway commission purposes.

To the extent that revenues of the project are insufficient to meet required payments of principal, interest and other charges incidental to the issuance, sale and retirement of bonds, the Washington state highway commission shall use moneys in the motor vehicle fund to pay its share of such deficits.

[1961 c 209 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

**RCW 47.56.652 Bridging lower Columbia river in vicinity of
Astoria-Megler--Procedure for this state paying deficiency in tolls and fees for Oregon
bond issue.**

The payments provided for in RCW 47.56.649, as they come due, shall be authorized by the Washington state highway commission and paid by warrants signed by the state treasurer, upon the duly verified itemized statements of the Oregon state highway commission showing the amount due from the state of Washington required to meet its share of any deficit computed as provided in [first] subsection (2) of RCW 47.56.646.

[1961 c 209 § 5.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

**RCW 47.56.655 Bridging lower Columbia river in vicinity of
Astoria-Megler--Washington liability for costs--Maintenance and repair--Approaches.**

The Washington state highway commission shall pay one-half of all costs of maintenance and repair of said bridge from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways. The Washington state highway commission shall pay for the costs of design, right of way and construction of approaches to said bridge within the boundaries of the state of Washington from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways or from any other funds available for said purpose.

[1961 c 209 § 6.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

**RCW 47.56.658 Bridging lower Columbia river in vicinity of
Astoria-Megler--Financial responsibility of Pacific county--Prior commitment required.**

The Washington state highway commission shall not enter into agreements with the Oregon state highway commission for the construction of the toll bridge over the lower Columbia river as authorized by RCW 47.56.646 unless and until:

Pacific county has, at the request of the state highway commission, contributed or properly authorized the contribution of money or bonds in the sum of one hundred eighty-five thousand dollars or so much thereof as may be necessary to reimburse the Washington state highway commission for costs of design and construction of the approaches to said bridge within the boundaries of the state of Washington, such contribution to be made by any of the methods authorized in RCW 47.56.250.

[1969 ex.s. c 281 § 52; 1961 c 209 § 7.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.659 Bridging lower Columbia river in vicinity of Astoria-Megler--Contractual obligations of Pacific county terminated.

All accrued and unaccrued obligations of Pacific county created by that certain contract between the Washington state highway commission and Pacific county dated June 20, 1961, entered into pursuant to *subsection (2) of RCW 47.56.658 are hereby terminated.

[1969 ex.s. c 281 § 53.]

Notes:

***Reviser's note:** Subsection (2) of RCW 47.56.658 was deleted by 1969 ex.s. c 281 § 52.

RCW 47.56.661 Bridging lower Columbia river in vicinity of Astoria-Megler--Deposit of contribution of Pacific county in motor vehicle fund--Use.

In the event Pacific county makes the contribution authorized in *subsection (1) of RCW 47.56.658, such contribution shall be placed in the motor vehicle fund and shall be available for state highway purposes.

[1961 c 209 § 8.]

Notes:

***Reviser's note:** Subsection (1) of RCW 47.56.658 became the second paragraph of RCW 47.56.658 when subsection (2) of RCW 47.56.658 was deleted by 1969 ex.s. c 281 § 52.

RCW 47.56.667 Bridging lower Columbia river in vicinity of Astoria-Megler--When toll free.

The bridge herein provided for shall be operated as a toll-free bridge whenever the bonds to be issued by the state of Oregon together with interest thereon have been fully paid, unless the state of Washington and the state of Oregon hereafter agree through their highway commissions that tolls shall be retained on the bridge to repay in whole or in part the respective states for moneys advanced to pay principal or interest on the bonds issued by the state of Oregon.

[1961 c 209 § 10.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.700 Columbia river, Vernita bridge and highway approach from Richland--Authorized.

If the Washington toll bridge authority shall conclude that the construction of a toll

bridge across the Columbia river in the vicinity of Vernita, including approaches, and a highway approach from the vicinity of Richland to said toll bridge, are feasible, the authority is hereby authorized to make all surveys, design and construct said toll bridge and approaches.

[1963 c 197 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.701 Columbia river, Vernita bridge and highway approach from Richland--Revenue bonds--Tolls and charges.

The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, and the highway approach from the vicinity of Richland to said bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW *47.20.410, 47.20.415, and 47.56.700 through 47.56.706, the provisions of RCW 47.56.130 through 47.56.245 shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll bridge and from that portion of the motor vehicle fund as provided in RCW 47.56.702. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll bridge and from any interest which may be earned from the deposit or investment of any such revenues and such sums as are pledged from the motor vehicle fund as provided in RCW 47.56.702, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they, together with said pledge from the motor vehicle fund, will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

Until all of said bonds are fully paid and until the motor vehicle fund is fully reimbursed for all sums advanced therefrom to pay principal and interest on said bonds or any subsequent

refunding bond issue, the tolls charged for the use of said facility shall never be reduced below the sums specified in the following schedule:

| | |
|---|--------|
| For every combination of vehicles and for buses having a seating capacity for over fifteen persons. | \$0.75 |
| For all trucks licensed for a maximum gross load of over 8,000 lbs. other than a combination of vehicles and all buses having a seating capacity for less than sixteen persons. | \$0.50 |
| For all other motor vehicles not specified above and for motorcycles. | \$0.25 |

[1963 c 197 § 2.]

Notes:

Reviser's note: *(1) RCW 47.20.410 was repealed by 1970 ex.s. c 51 § 178; RCW 47.20.415 was repealed by 1967 ex.s. c 145 § 8.

(2) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.702 Columbia river, Vernita bridge and highway approach from Richland--Pledge of excise taxes imposed on motor vehicle fuels.

The department may pledge the proceeds of all excise taxes imposed on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund and which are available for appropriation to the department for state highway purposes in the sum of one hundred thousand dollars per year for the purpose of guaranteeing the payment of principal and interest on bonds issued by the authority as authorized in RCW 47.56.701 or for sinking fund requirements or reserves established by the authority with respect thereto or for guaranteeing the payment of principal and interest on any subsequent refunding bond issues. To the extent of any such pledge the department shall use such moneys to meet such obligations as they arise but only to the extent that net revenues of the project are insufficient therefor.

[1984 c 7 § 282; 1963 c 197 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "toll bridge authority" means department of transportation; see RCW 47.04.015.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.703 Columbia river, Vernita bridge and highway approach from Richland--Continued imposition of such taxes.

Whenever the department has made a pledge of motor vehicle funds as authorized in RCW 47.56.702 the legislature agrees to continue to impose excise taxes on motor vehicle fuels,

and there is imposed a first and prior charge thereon, in amounts sufficient to provide the department with funds necessary to enable it to comply with the pledge.

[1984 c 7 § 283; 1963 c 197 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.704 Columbia river, Vernita bridge and highway approach from Richland--Repayment of motor vehicle fund money--Continuation of tolls.

Any money from the motor vehicle fund used by the department for payment of expenses of location, maintenance, repair, and operation of the bridge and approaches and highway approach, and principal or interest on any bonds issued pursuant to RCW 47.56.701 or any subsequent refunding bond issue shall be repaid to the motor vehicle fund to be used for state highway purposes from revenues of the project, and tolls shall be continued for any additional length of time necessary for this purpose.

[1984 c 7 § 284; 1963 c 197 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.705 Columbia river, Vernita bridge and highway approach from Richland--Facility to be part of highway system--Operation, collection of tolls.

The toll facility, when completed, shall become a part of the state highway system and the department is hereby authorized to operate and to assume the full control of said toll bridge with full power to collect tolls from the users of such bridge as established by the department for the purpose of providing revenue which, with the pledge from the motor vehicle fund provided for in RCW 47.56.702, shall be sufficient to pay all costs and incidental expenses of location, construction, maintenance, repair, and operation of said bridge and approaches and highway approach from the vicinity of Vernita to said bridge, for the repayment of the principal and interest on its revenue bonds, and reimbursement to the motor vehicle fund of all sums expended therefrom under *RCW 47.20.415 and 47.56.700 through 47.56.706.

[1983 c 3 § 131; 1963 c 197 § 6.]

Notes:

***Reviser's note:** RCW 47.20.415 was repealed by 1967 ex.s. c 145 § 8.

RCW 47.56.706 Columbia river, Vernita bridge and highway approach from Richland--Laws applicable--Construction of 1963 statute.

Except as specifically provided in *RCW 47.20.415 and 47.56.700 through 47.56.706, the provisions of RCW 47.56.010 through 47.56.257 shall govern and be controlling in all matters and things necessary to carry out the purposes of *RCW 47.20.415 and 47.56.700

through 47.56.706. Nothing in *RCW 47.20.415 and 47.56.700 through 47.56.706 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the department except as such powers and duties are amplified or modified by the special provisions of *RCW 47.20.415 and 47.56.700 through 47.56.706 for the uses and purposes herein set forth, and the provisions of *RCW 47.20.415 and 47.56.700 through 47.56.706 shall be additional to such existing statutes and concurrent therewith.

[1983 c 3 § 132; 1963 c 197 § 7.]

Notes:

***Reviser's note:** RCW 47.20.415 was repealed by 1967 ex.s. c 145 § 8.

RCW 47.56.711 Spokane river bridges.

The state highway bridge across the Spokane river in the vicinity of Trent Avenue in Spokane shall be known and designated as the James E. Keefe bridge.

After September 1, 1990, ownership of the Spokane river toll bridge, known as the Maple Street bridge, shall revert to the city of Spokane.

[1990 c 42 § 401; 1979 c 131 § 1.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Severability--1979 c 131: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 131 § 11.]

RCW 47.56.7115 Spokane river toll bridge--Operation and maintenance responsibility and funding.

The city of Spokane shall be responsible for operating and maintaining the Spokane river toll bridge and the surrounding area except:

(1) The department of transportation shall remove the toll booths and restripe the approaches, as necessary, once the tolls have been removed.

(2) The department of transportation shall replace the bridge deck and upgrade the approaches. In order to accomplish this activity, the department of transportation shall pursue federal bridge replacement funds and the city of Spokane shall contribute three hundred thousand dollars towards the required matching funds.

[1990 c 42 § 402.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 47.56.7125 Spokane river toll bridge--Transfer of funds.

The state treasurer shall transfer all remaining funds in the Spokane river toll bridge revenue account to the motor vehicle fund to be used for the following purposes:

- (1) Repay existing loans from the motor vehicle fund to the Spokane river toll bridge revenue account in the amount of six hundred sixteen thousand two dollars and thirty-three cents;
- (2) Fund removal of toll booths and associated repairs on the Spokane river toll bridge; and
- (3) Fund preliminary engineering of the bridge deck replacement on the Spokane river toll bridge.

Any remaining funds are reserved to provide matching funds for federal bridge replacement funds to replace the bridge deck in the 1991-93 biennium.

[1990 c 42 § 404.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 47.56.720 Puget Island-Westport ferry--Payments for operation and maintenance to Wahkiakum county--Toll-free operation and provision of rest room facilities, when.

(1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing the only crossing of the Columbia river between the Astoria-Megler bridge and the Longview bridge.

(2) The department is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the department shall pay to Wahkiakum county from moneys appropriated for such purpose monthly amounts not to exceed eighty percent of the operating and maintenance deficit with a maximum not to exceed the amount appropriated for that biennium to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1992.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the department. If eighty percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the department upon the receipt of a properly executed voucher. The total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium. The fares established by the county shall be comparable to those used for similar runs on the state ferry system.

(4) Whenever, subsequent to June 9, 1977, state route 4 between Cathlamet and Longview is closed to traffic pursuant to chapter 47.48 RCW due to actual or potential slide conditions and there is no suitable, reasonably short alternate state route provided, Wahkiakum

county is authorized to operate the Puget Island ferry on a toll-free basis during the entire period of such closure. The state's share of the ferry operations and maintenance deficit during such period shall be one hundred percent.

(5) Whenever state route 4 between Cathlamet and Longview is closed to traffic, as mentioned in subsection (4) hereof, the state of Washington shall provide temporary rest room facilities at the Washington ferry landing terminal.

[1992 c 82 § 1; 1987 c 368 § 1; 1984 c 7 § 285; 1977 c 11 § 1; 1973 2nd ex.s. c 26 § 1; 1971 ex.s. c 254 § 1.]

Notes:

Effective date--1987 c 368: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 c 368 § 2.]

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--1973 2nd ex.s. c 26: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1973." [1973 2nd ex.s. c 26 § 3.]

RCW 47.56.725 County ferries--Deficit reimbursements--Capital improvement funds.

(1) The department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW 46.68.090.

(2) The department is authorized to include in each agreement a provision for the distribution of funds to each county to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by the county. The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed one million dollars in any biennium. Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at least equal to tolls in place on January 1, 1990.

(3) The annual fiscal year operating and maintenance deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the department. The annual fiscal year operating and maintenance deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the department upon the receipt of properly executed vouchers from each county.

(4) The county road administration board may evaluate requests by Pierce, Skagit, Wahkiakum, and Whatcom counties for county ferry capital improvement funds. The board shall evaluate the requests and, if approved by a majority of the board, submit the requests to the legislature for funding out of the amounts available under RCW 46.68.090(1)(j). Any county making a request under this subsection shall first seek funding through the public works trust fund, or any other available revenue source, where appropriate.

[1999 c 269 § 12; 1991 c 310 § 1; 1984 c 7 § 286; 1977 c 51 § 2; 1975-'76 2nd ex.s. c 57 § 2; 1975 1st ex.s. c 21 § 1.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--1977 c 51: "This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977." [1977 c 51 § 4.]

Severability--1977 c 51: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 c 51 § 3.]

RCW 47.56.730 "No Smoking" areas on ferries--Establishment directed.

The legislature finds that the public health, safety, and welfare require that "No Smoking" areas be established on all state ferries since there is a significant number of our citizens who are nonsmokers. The department is hereby authorized and directed to adopt rules pursuant to the administrative procedure act, chapter 34.05 RCW, to establish and clearly designate areas on all state operated ferries that are expressly reserved for use by nonsmokers.

[1984 c 7 § 287; 1974 ex.s. c 10 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.740 Columbia river bridge at Horn Rapids--Authorized--Approach routes.

Subject to the provisions of RCW 47.56.741, 47.56.742, and 47.56.743, the department of transportation is hereby authorized and directed to make all necessary surveys and to design and construct a toll bridge across the Columbia river. The approaches to the toll bridge shall (1) extend from the bridge to state route number 240 on the west and may include the improvement of the Horn Rapids Road; (2) extend from the bridge easterly to state route number 395 and shall include the improvement of Alder Road; and (3) extend from a point on the easterly approach road southerly to state route number 182 and shall include the improvement of existing county roads.

[1981 c 327 § 1; 1979 ex.s. c 212 § 1.]

Notes:

Severability--1979 ex.s. c 212: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 212 § 21.]

RCW 47.56.741 Columbia river bridge at Horn Rapids--Agreements with local

governments.

If the transportation commission concludes that construction of a toll bridge across the Columbia river at North Richland in the vicinity of the Horn Rapids Road, including approaches, is economically feasible, the department is authorized to enter into agreements with Richland, Benton county, and Franklin county in accordance with RCW 47.56.742.

[1979 ex.s. c 212 § 2.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.742 Columbia river bridge at Horn Rapids--Bonds--Agreements with local governments required.

The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches unless and until:

(1) Either Richland or Benton county separately or Richland and Benton county jointly agree with the department to maintain to standards prescribed by the department the westerly approach from the bridge to state route number 240 including sections of Horn Rapids Road so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding.

(2) Franklin county shall agree with the department to maintain to standards prescribed by the department the easterly approach from the bridge to state route number 395 and the approach from the easterly approach road southerly to state route number 182 so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding.

[1981 c 327 § 2; 1979 ex.s. c 212 § 3.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.743 Columbia river bridge at Horn Rapids--Bonds--Plans for funding obligations of local governments required.

The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches until Benton and Franklin counties and Richland have adopted specific and acceptable plans to assure the funding of their respective obligations as established by the agreements authorized in RCW 47.56.742.

[1979 ex.s. c 212 § 4.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.744 Columbia river bridge at Horn Rapids--Agreements with United

States--Acceptance of public or private funds.

In order to facilitate the financing of the toll bridge the department, Benton and Franklin counties, and Richland may consult, cooperate, and enter into agreements with the government of the United States or any of its agencies and accept and expend money from any public or private source which is now or may be available to assist in the construction of the bridge.

[1979 ex.s. c 212 § 5.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.745 Columbia river bridge at Horn Rapids--General obligation bonds authorized--Additional bonds authorized, restriction.

In order to provide funds for the construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, and to pay the interest on the bonds when due during construction and for a period not exceeding six months after the bridge is open to traffic, there shall be issued and sold general obligation bonds of the state of Washington in the principal amount of not to exceed eighty million dollars or such lesser amount thereof, at such times as may be determined to be necessary by the department of transportation. At the request of the transportation commission the state finance committee may issue additional general obligation bonds of the state of Washington ranking on a parity with the bonds authorized hereinabove and subject to the provisions of RCW 47.56.740 through 47.56.756 as now amended, to pay the cost of further improving the approaches to the bridge or adding additional bridge lanes or constructing a parallel bridge: PROVIDED, That such additional bonds shall not be issued without further express authorization of the legislature.

[1981 c 327 § 3; 1979 ex.s. c 212 § 6.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.746 Columbia river bridge at Horn Rapids--Bonds--Issuance, sale, retirement supervised by state finance committee.

The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the department of transportation shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as the department of transportation shall determine to be necessary to meet the purposes specified in RCW 47.56.745.

[1979 ex.s. c 212 § 7.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.747 Columbia river bridge at Horn Rapids--Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments--Legal investment for state funds--Bond anticipation notes.

Each of such bonds shall be made payable at any time not exceeding thirty years from the date of issuance. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or bond anticipation notes provided for in this section, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the fiscal agency of the state of Washington in Seattle or New York City as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder, unless registered, shall be fully negotiable instruments. The bonds shall be legal investments for all state funds or for funds under state control and all funds of municipal corporations.

At such time as a determination has been made to issue the general obligation bonds or a portion thereof as authorized in RCW 47.56.745, the state finance committee may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes." If, prior to the issuance of such bonds, it becomes necessary to redeem outstanding notes, additional bond anticipation notes may be issued to redeem such outstanding notes and to pay interest thereon. Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

[1979 ex.s. c 212 § 8.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.748 Columbia river bridge at Horn Rapids--Bonds--Bond proceeds--Deposit and use.

Except for that portion of the proceeds required to pay bond anticipation notes under RCW 47.56.747, and except as provided in RCW 47.56.750, the money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the Columbia river toll bridge account hereby created in the motor vehicle fund, and such money shall be available only for the purposes enumerated in RCW 47.56.745, for payment of the expense incurred in the issuance and sale of any such bonds and to repay the motor vehicle fund for any sums advanced to pay the cost of surveys, location, design, right of way, and all other things preliminary to the construction of the bridge and its approaches.

[1981 c 327 § 4; 1979 ex.s. c 212 § 9.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.749 Columbia river bridge at Horn Rapids--Bonds--Statement describing nature of obligation--Sources of payment.

Bonds and bond anticipation notes issued under the provisions of RCW 47.56.740 through 47.56.756 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in chapter 212, Laws of 1979 ex. sess. from the proceeds of state excise taxes on motor vehicles and special fuels imposed by chapters 82.36 and 82.38 RCW and from the tolls and revenues derived from the operation of such toll bridge.

[1995 c 274 § 15; 1979 ex.s. c 212 § 10.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.750 Columbia river bridge at Horn Rapids--Bonds--Account created in highway bond retirement fund--Deposit of revenue--Pledge of excise taxes--Repayment procedure--Legislative covenant.

There is hereby created in the highway bond retirement fund in the state treasury a special account to be known as the Columbia river toll bridge account into which shall be deposited any capitalized interest from the proceeds of the bonds, and at least monthly all of the tolls and other revenues received from the operation of the toll bridge and from any interest which may be earned from the deposit or investment of these revenues after the payment of costs of operation, maintenance, management, and necessary repairs of the facility. The principal of and interest on the bonds shall be paid first from money deposited in the Columbia river toll bridge account in the highway bond retirement fund, and then, to the extent that money deposited in that account is insufficient to make any such payment when due, from the state excise taxes on motor vehicle and special fuels deposited in the highway bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36 and 82.38 RCW to pay the bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the bonds if the money deposited in the Columbia river toll bridge account of the highway bond retirement fund is insufficient to make such payments. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional moneys as may be required for debt service, and the

treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the highway bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the state. If the proceeds from the excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first moneys distributed to the state not required for redemption of the bonds or interest thereon. The legislature covenants and pledges that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the bonds.

[1999 c 269 § 13; 1995 c 274 § 16; 1979 ex.s. c 212 § 11.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.751 Columbia river bridge at Horn Rapids--Operation by department of transportation--Amount and duration of tolls--Use of motor vehicle fund moneys--Priority of payments--Trust fund--Covenants by state finance committee.

(1) The department of transportation is authorized to operate and assume full control of the bridge and shall fix and maintain the tolls and charges in the manner provided by RCW 47.56.240 so that when collected they will produce revenues sufficient to pay all expenses of operating, maintaining, managing, and repairing the toll bridge including all insurance costs and the amounts required to pay the principal and interest on the bonds when due and to satisfy the other obligations set forth in RCW 47.56.740 through 47.56.756 and 47.56.220 as now or hereafter amended: PROVIDED, That revision of tolls and charges shall be determined by the department after considering the effect upon the traffic using the bridge and the projected revenues which will result from the increase of tolls and charges for the use of the bridge.

(2) To the extent that net revenues and income are insufficient to meet the required payments of principal and interest on bonds, the department shall use moneys pledged from the motor vehicle fund as provided in RCW 47.56.750.

(3) The payment of the principal of and the interest on the bonds shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon received from the use and operation of the Columbia river toll bridge, after the payment of all expenses of operating, maintaining, managing, and repairing the toll bridge, and such tolls and revenues together with interest earned thereon, and all other money deposited in the Columbia

river toll bridge account in the highway bond redemption fund, shall constitute a trust fund for the security and payment of such bonds, or bonds refunding such bonds, and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

(4) The state finance committee may on behalf of the state make such covenants in connection with the bond proceedings or otherwise to assure the maintenance of the tolls and charges on the Columbia river toll bridge, the proper application thereof, the proper operation, maintenance, management, and repair of the bridge to provide for and secure the timely payment of the bonds. Such covenants shall be binding on the department of transportation and transportation commission.

[1979 ex.s. c 212 § 12.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.752 Columbia river bridge at Horn Rapids--Toll revenue trust fund--Transfer of surplus moneys.

All tolls or other revenues received from the operation of the Columbia toll bridge constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the department of transportation to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the Columbia river toll bridge, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

After provision has been made for payment of costs of operation, maintenance, management and necessary repairs of the facility, the surplus moneys available in the toll revenue fund, or so much thereof as may be required, shall be transferred monthly to the Columbia river toll bridge account of the highway bond retirement fund to pay the principal of and interest on the bonds authorized by RCW 47.56.745.

[1979 ex.s. c 212 § 13.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.753 Columbia river bridge at Horn Rapids--Repayment of motor vehicle fund money--Continuation of tolls.

Any moneys from the motor vehicle fund used by the department for payment of expenses of location, maintenance, repair, and operation of the bridge and approaches, and principal or interest on any bonds issued pursuant to RCW 47.56.745, or any subsequent refunding bond issue, shall be repaid to the motor vehicle fund from revenues of the project after all such bonds have been retired. Tolls shall be continued for any additional length of time necessary for this purpose.

[1979 ex.s. c 212 § 14.]

Notes:

Appropriation, repayment to motor vehicle fund--1981 c 327: "There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1983, the sum of one million dollars, or so much thereof as may be necessary for the purpose of surveys, location, design, right of way, and all other things preliminary to the construction of the toll bridge described in RCW 47.56.740 as now amended together with its approaches. All funds expended from this appropriation shall be considered a loan and shall be repaid to the motor vehicle fund from the proceeds from the sale of bonds for this project." [1981 c 327 § 5.]

Appropriation, repayment to motor vehicle fund--1979 ex.s. c 212: "There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of one million dollars, or so much thereof as may be necessary for the purpose of surveys, location, design, right of way, and all other things preliminary to the construction of the bridge and its approaches. All funds expended from this appropriation shall be considered a loan and shall be repaid to the motor vehicle fund upon the sale of bonds for this project." [1979 ex.s. c 212 § 20.]

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.754 Columbia river bridge at Horn Rapids--Ferries, urban arterials, Spokane river toll bridges, bonds--Lien against fuel tax revenues.

Except as otherwise provided by statute, the bonds issued under authority of RCW 47.56.745, the bonds authorized by RCW 47.60.560 through 47.60.640, the bonds authorized by chapter 5, Laws of 1979, and chapter 131, Laws of 1979, and any additional general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal thereof and interest thereon shall be an equal charge and lien against the revenues from such motor vehicle and special fuel excise taxes.

[1979 ex.s. c 212 § 15.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.755 Columbia river bridge at Horn Rapids--When toll free--Conveyance to city or counties.

Upon the redemption of all bonds issued pursuant to RCW 47.56.745 and the repayment of all other obligations to the motor vehicle fund as authorized by RCW 47.56.753, the department of transportation shall remove the tolls and transfer the bridge and its approaches to the city and/or counties having jurisdiction thereof, and the bridge and its approaches shall become a county road or in part a county road and in part a city street. The bridge, its approaches, and right of way shall be conveyed to the city or counties by deed executed by the secretary of transportation.

[1979 ex.s. c 212 § 16.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.756 Additional bridge at Columbia Point authorized.

Notwithstanding the provisions of RCW 47.56.220 as now or hereafter amended, the department may design and construct an additional bridge across the Columbia river in the vicinity of Columbia Point.

[1979 ex.s. c 212 § 17.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.760 First Avenue South bridge in Seattle--Study by commission--Bonds, tolls--Additional funding.

(1) The transportation commission is authorized to conduct a study, to be paid from category C funds, to determine the economic and operational feasibility and consistency with federal laws of constructing, entirely or in part with toll-financed revenue bonds, a new parallel bridge and approaches on First Avenue South in Seattle, together with reconstruction of approaches to the existing bridge and connections to existing city street systems as necessary.

(2) If the commission concludes that construction, entirely or in part with toll-financed revenue bonds, of the facilities described in subsection (1) of this section is economically and operationally feasible and consistent with federal law, the commission may:

(a) Issue and sell revenue bonds under the provisions of this chapter for the purpose of constructing the facilities described in subsection (1) of this section; and

(b) Impose and collect tolls on the facilities for the purpose of funding the revenue bonds issued under this section.

(3) The commission shall seek additional funding for the bridge from local sources, including the city, county, and port district. Any funding obtained from local sources shall be matched by an equal amount of category C state funds under chapter 47.05 RCW.

[1987 c 510 § 1.]

RCW 47.56.761 First Avenue South bridge in Seattle--Study by city--Tolls--Revenues.

The city of Seattle is authorized to conduct a study, to be paid for wholly from city funds, to determine the operational feasibility and consistency with federal law of charging tolls on the First Avenue South Bridge on State Route 99. The study is to be conducted in cooperation with the department of transportation. If the city of Seattle and the department of transportation determine that the charging of tolls is feasible and consistent with federal law, then the city is authorized to charge reasonable tolls and to construct, operate and maintain toll collection facilities on the bridge.

The toll collection revenues less the costs of collection shall be placed in a separate account solely for the purpose of financial participation with the state and other local

governmental entities in the construction, when commenced by the department of transportation, of a new parallel bridge and approaches on First Avenue South in Seattle, together with reconstruction of approaches to the existing bridge and connections to existing city street systems as necessary. Interest generated by funds within the account shall be credited to that account in their entirety.

[1987 c 510 § 2.]

RCW 47.56.770 Refunding bonds--Authorized.

The state finance committee is authorized to issue refunding bonds and use other available money to refund, defease, and redeem all of those toll bridge authority, ferry, and Hood Canal bridge refunding revenue bonds under RCW 47.56.771 through 47.56.774.

[1993 c 4 § 2.]

Notes:

Legislative declaration--1993 c 4: "It is declared that it is in the best interest of the state to modify the debt service and reserve requirements, sources of payment, covenants, and other terms of the outstanding toll bridge authority, ferry, and Hood Canal bridge refunding revenue bonds." [1993 c 4 § 1.]

Effective date--1993 c 4: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 12, 1993]." [1993 c 4 § 11.]

RCW 47.56.771 Refunding bonds--General obligation--Signatures, negotiability--Payment of principal and interest--Pledge of excise taxes.

(1) The refunding bonds authorized under RCW 47.56.770 shall be general obligation bonds of the state of Washington and shall be issued in a total principal amount not to exceed fifteen million dollars. The exact amount of refunding bonds to be issued shall be determined by the state finance committee after calculating the amount of money deposited with the trustee for the bonds to be refunded which can be used to redeem or defease outstanding toll bridge authority, ferry, and Hood Canal bridge revenue bonds after the setting aside of sufficient money from that fund to pay the first interest installment on the refunding bonds. The refunding bonds shall be serial in form maturing at such time, in such amounts, having such denomination or denominations, redemption privileges, and having such terms and conditions as determined by the state finance committee. The last maturity date of the refunding bonds shall not be later than January 1, 2002.

(2) The refunding bonds shall be signed by the governor and the state treasurer under the seal of the state, which signatures shall be made manually or in printed facsimile. The bonds shall be registered in the name of the owner in accordance with chapter 39.46 RCW. The refunding bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state, and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due. The refunding bonds shall be fully negotiable instruments.

(3) The principal and interest on the refunding bonds shall be first payable in the manner

provided in this section from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW.

(4) The principal of and interest on the refunding bonds shall be paid first from the state excise taxes on motor vehicle and special fuels deposited in the ferry bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36 and 82.38 RCW to pay the refunding bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the refunding bonds. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional money as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the ferry bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the Puget Sound capital construction account. If the proceeds from excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the refunding bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first money distributed to the state not required for redemption of the refunding bonds or interest thereon. The legislature covenants that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the refunding bonds.

[1999 c 269 § 14; 1995 c 274 § 17; 1993 c 4 § 3.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

RCW 47.56.772 Refunding bonds--Liquidation of existing bond funds.

Upon the issuance of refunding bonds as authorized by RCW 47.56.770, the department of transportation may liquidate the existing bond fund and other funds and accounts established in the proceedings which authorized the issuance of the outstanding toll bridge authority, ferry, and Hood Canal bridge refunding revenue bonds and apply the money contained in those funds and accounts to the defeasance and redemption of outstanding toll bridge authority, ferry, and Hood Canal refunding revenue bonds, except that prior to such bond redemption, money sufficient to pay the first interest installment on the refunding bonds shall be deposited in the ferry bond retirement fund. Money remaining in such funds not used for such bond defeasance and redemption or first interest installment on the refunding bonds shall be transferred to and

deposited in the Puget Sound ferry operations account created under RCW 47.60.530.

[1999 c 94 § 25; 1993 c 4 § 4.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

RCW 47.56.773 Refunding bonds--Repayment to Puget Sound capital construction account.

Any money appropriated from the Puget Sound capital construction account under section 10, chapter 4, Laws of 1993 and expended to pay expenses of issuing the refunding bonds authorized by RCW 47.56.770, and any money in the Puget Sound capital construction account subsequently used to pay principal and interest on the refunding bonds authorized by RCW 47.56.770 shall be repaid to the Puget Sound capital construction account for use by the department of transportation.

[1993 c 4 § 5.]

Notes:

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

RCW 47.56.774 Various bond issues--Charge against fuel tax revenues.

Except as otherwise provided by statute, the refunding bonds issued under authority of RCW 47.56.770, the bonds authorized by RCW 47.60.560 through 47.60.640, the bonds authorized by RCW 47.26.420 through 47.26.427, and any general obligation bonds of the state of Washington which have been or may be authorized by the legislature after the enactment of those sections and which pledge motor vehicle and special fuel excise taxes for the payment of principal thereof and interest thereon shall be an equal charge and lien against the revenues from such motor vehicle and special fuel excise taxes.

[1993 c 4 § 6.]

Notes:

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

**Chapter 47.58 RCW
EXISTING AND ADDITIONAL BRIDGES**

Sections

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| 47.58.010 | Improvement of existing bridge and construction of new bridge as single project--Agreement--Tolls. |
| 47.58.020 | Examinations and surveys--Preliminary expenses--Financing. |
| 47.58.030 | Construction, operation of bridges--Collection of tolls--Schedule of charges. |
| 47.58.040 | Revenue bonds--Form--Sale--Interim bonds--Deposit of proceeds. |
| 47.58.050 | Revenue bonds--Expenses includable--Conditions--Remedies of bondholders. |
| 47.58.060 | Bond resolution--Disposition of income and revenues. |
| 47.58.070 | Bonds legal investment for state moneys. |

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| 47.58.080 | Eminent domain. |
| 47.58.090 | Study of projects--Specific authorization of construction and finance. |
| 47.58.500 | Manette bridge--Port Washington Narrows project. |
| 47.58.900 | Chapter provides additional method. |

Notes:

Bridges over navigable waters: RCW 79.91.090 through 79.91.120.

RCW 47.58.010 Improvement of existing bridge and construction of new bridge as single project--Agreement--Tolls.

Whenever the legislature specifically authorizes, as a single project, the construction of an additional toll bridge, including approaches, and the reconstruction of an existing adjacent bridge, including approaches, and the imposition of tolls on both bridges, the department is authorized to enter into appropriate agreements whereunder the existing bridge or its approaches will be reconstructed and improved and an additional bridge, including approaches and connecting highways will be constructed as a part of the same project to be located adjacent to or within two miles of the existing bridge and will be financed through the issuance of revenue bonds of the same series. The department has the right to impose tolls for traffic over the existing bridge as well as the additional bridge for the purpose of paying the cost of operation and maintenance of the bridge or bridges and the interest on and creating a sinking fund for retirement of revenue bonds issued for account of such project, all in the manner permitted and provided by this chapter.

[1984 c 7 § 288; 1961 c 13 § 47.58.010. Prior: 1955 c 208 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.020 Examinations and surveys--Preliminary expenses--Financing.

For the purpose of obtaining information as to the necessity of the reconstruction or improvement of any such bridge and the expediency of constructing any such additional bridge it is the duty of the department to make any examination, investigation, survey, or reconnaissance pertaining thereto. The cost of any such examination, investigation, survey, or reconnaissance, and all preliminary expenses in the issuance of any revenue bonds, making surveys and appraisals and drafting, printing, issuance, and sale of bonds under this chapter, shall be advanced by any interested municipality, agency, or department of the state of Washington. All such advancements shall be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the department through its operations hereunder for account of the project, as may be agreed upon between the department and the municipality, agency, or department.

[1984 c 7 § 289; 1961 c 13 § 47.58.020. Prior: 1955 c 208 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.030 Construction, operation of bridges--Collection of tolls--Schedule of charges.

The secretary shall have full charge of the construction of all such improvements and reconstruction work and the construction of any additional bridge, including approaches and connecting highways, that may be authorized under this chapter and the operation of such bridge or bridges, as well as the collection of tolls and other charges for services and facilities thereby afforded. The schedule of charges for the services and facilities shall be fixed and revised from time to time by the commission so that the tolls and revenues collected will yield annual revenue and income sufficient, after payment or allowance for all operating, maintenance, and repair expenses, to pay the interest on all revenue bonds outstanding under the provisions of this chapter for account of the project and to create a sinking fund for the retirement of the revenue bonds at or prior to maturity. The charges shall be continued until all such bonds and interest thereon and unpaid advancements, if any, have been paid.

[1984 c 7 § 290; 1961 c 13 § 47.58.030. Prior: 1955 c 208 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.040 Revenue bonds--Form--Sale--Interim bonds--Deposit of proceeds.

For the purpose of paying the cost of all or any part of the improvement and reconstruction work and the construction of any additional bridge, approaches thereto, and connecting highways, the department is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the department and shall be payable from any funds available except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the department shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor of the bond, and in the absence of an express recital on its face that the bond is nonnegotiable, each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state

treasurer and countersigned by the governor, and any interest coupons appertaining thereto shall bear the signature of the state treasurer. The countersignature of the governor on the bonds and the signature of the state treasurer on the coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates, or receipts of any denomination and with or without coupons attached may be issued as may be provided by the resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices, at such rate or rates of interest, and after such advertising for bids as the department may deem proper, but it may reject any and all bids so submitted and thereafter sell the bonds so advertised under such terms and conditions as it deems advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which the bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the department.

[1984 c 7 § 291; 1973 c 106 § 27; 1970 ex.s. c 56 § 64; 1969 ex.s. c 232 § 78; 1961 c 102 § 1; 1961 c 13 § 47.58.040. Prior: 1955 c 208 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Purpose--1970 ex.s. c 56: See note following RCW 39.52.020.

Validation--Saving--Severability--1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 47.58.050 Revenue bonds--Expenses includable--Conditions--Remedies of bondholders.

In determining the amount of bonds required to be issued, there may be included any expenses incurred or approved by the department in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, required reserves, if any, interest during the estimated construction period and for six months thereafter, and a reasonable amount for initial operating expenses and prepaid insurance. The department is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations, and conditions as it deems necessary with respect to the continued use and application of the revenues and income from the bridge or bridges. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding compel performance of any duties imposed upon any state department, official, or employee, including any duties imposed upon or undertaken by the department or its officers, agents, and employees in connection with any improvement or reconstruction work on any existing bridge, the construction of any additional bridge, including approaches and connecting highways provided to be so constructed, the maintenance and operation of the bridge or bridges and in connection with the collection, deposit, investment, application, and disbursement of the proceeds of the bonds and the revenues and income derived from the operation of the bridge or bridges.

[1984 c 7 § 292; 1961 c 13 § 47.58.050. Prior: 1955 c 208 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.060 Bond resolution--Disposition of income and revenues.

Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance, and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds. All income and revenues as collected shall be paid to the state treasurer for the account of the department as a separate trust fund to be segregated and set apart for the payment of the revenue bonds, or may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of the bonds.

[1984 c 7 § 293; 1961 c 13 § 47.58.060. Prior: 1955 c 208 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.070 Bonds legal investment for state moneys.

Notwithstanding any other provision of the law, bonds issued under this chapter shall be legal investments by the state investment board of any state moneys in its hands, except permanent school funds.

[1981 c 3 § 39; 1961 c 13 § 47.58.070. Prior: 1955 c 208 § 7.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 47.58.080 Eminent domain.

The department is hereby authorized and empowered to acquire in the name of the state by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements, and other property of any person, firm, corporation, political subdivision, or other owner, deemed necessary or convenient for the construction, reconstruction, improvement, and operation of any project initiated and carried on by the department under this chapter. The proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of eminent domain by the state.

[1984 c 7 § 294; 1961 c 13 § 47.58.080. Prior: 1955 c 208 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.090 Study of projects--Specific authorization of construction and finance.

Under the provisions of this chapter, projects other than those specifically authorized herein involving existing bridges may be studied and analyzed by the department, and

recommendations therefor may be submitted to the legislature, but such other projects shall not be financed or constructed by the department under the provisions of this chapter until further specific authorization therefor has been provided by the legislature.

[1984 c 7 § 295; 1961 c 13 § 47.58.090. Prior: 1955 c 208 § 11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.500 Manette bridge--Port Washington Narrows project.

(1) The authority is especially authorized under the provisions of this chapter to reconstruct and improve the existing approaches and construct new approaches to the Manette bridge on secondary state highway 21-B in the city of Bremerton, and to construct an additional bridge, including approaches, over Port Washington Narrows in the vicinity of the said Manette bridge, at such exact location as may be selected by the director of highways, the state highway commission and the authority. Such project shall be known and designated as the Port Washington Narrows project and such new bridge and approaches when constructed shall be and become an integral part of the state highway system to be connected with and be a part of secondary state highway 21-B.

(2) The authority shall have the right to impose tolls for pedestrian and vehicular traffic over the existing Manette bridge, as well as such new bridge when constructed, for the purpose of paying the costs of reconstructing and improving approaches and constructing new approaches to the existing Manette bridge, constructing the new bridge in the vicinity thereof, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for account of such project, and to pay any and all costs and expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter.

[1961 c 13 § 47.58.500. Prior: 1955 c 208 § 10.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority, highway commission, and director of highways transferred to department of transportation; see RCW 47.01.031. Terms "authority" and "state highway commission" mean department of transportation; term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.58.900 Chapter provides additional method.

This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers existing on June 8, 1955.

[1961 c 13 § 47.58.900. Prior: 1955 c 208 § 9.]

Chapter 47.60 RCW
PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM

Sections

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| 47.60.010 | Ferry system, toll bridges, and facilities authorized--Power to contract, sell and lease back. |
| 47.60.013 | Emergency powers of governor to insure continued operation of ferry and toll bridge system--Cost reimbursement. |
| 47.60.015 | "Washington State Ferries"--Name authorized. |
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| 47.60.030 | Existing contracts--Prior negotiations and bids validated. |
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| 47.60.280 | Ferry service--Lummi Island to Orcas Island--Limitation on operation. |
| 47.60.282 | Ferry service between Port Townsend and Keystone--Operation authorized, when. |
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| 47.60.310 | State ferries--Local expressions--Ferry advisory committees. |

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| 47.60.326 | Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission. |
| 47.60.330 | Public participation. |
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NOTES:

Bridges across navigable waters: RCW 79.91.090 through 79.91.120.

Credit permits for vehicular passage: RCW 47.56.247, 47.56.248.

Sale, lease of unneeded toll facility, ferry system property--Franchises for utility, railway purposes: RCW 47.56.253 through 47.56.257.

Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.

RCW 47.60.010 Ferry system, toll bridges, and facilities authorized--Power to contract, sell and lease back.

The department is authorized to acquire by lease, charter, contract, purchase, condemnation, or construction, and partly by any or all of such means, and to thereafter operate, improve, and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof, and connecting with the public streets and highways in the state. The system of ferries shall include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances as shall be determined by the department to be necessary or desirable for efficient operation of the ferry system and best serve the public. The department may in like manner acquire by purchase, condemnation, or construction and include in the ferry system such toll bridges, approaches, and connecting roadways as may be deemed by the department advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition granted by this section, the department is empowered to enter into any contracts, agreements, or leases with any person, firm, or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the department or not.

The authority of the department to sell and lease back any state ferry, for federal tax purposes only, as authorized by 26 U.S.C., Sec. 168(f)(8) is confirmed. Legal title and all incidents of legal title to any ferry sold and leased back (except for the federal tax benefits attributable to the ownership thereof) shall remain in the state of Washington.

[1984 c 18 § 1; 1984 c 7 § 296; 1961 c 13 § 47.60.010. Prior: 1949 c 179 § 1; Rem. Supp. 1949 § 6584-30.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.013 Emergency powers of governor to insure continued operation of ferry and toll bridge system--Cost reimbursement.

The governor is authorized to take such actions as may be necessary to insure the continued operation of the Puget Sound ferry and toll bridge system under any emergency circumstances which threaten the continued operation of the system. In the event of such an emergency, the governor may assume all the powers granted by law to the transportation commission and department of transportation with respect to the ferry system. In addition, notwithstanding the provisions of chapters 47.60 and 47.64 RCW, the governor may contract with any qualified persons for the operation of the Washington state ferry system, or any part thereof, or for ferry service to be provided by privately owned vessels. Administrative costs to the office of the governor incurred in the exercise of this authority shall be reimbursed by the department.

[1981 c 341 § 1.]

Notes:

Severability--1981 c 341: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 341 § 2.]

RCW 47.60.015 "Washington State Ferries"--Name authorized.

The department is authorized to operate its ferry system under the name: "Washington State Ferries."

[1984 c 7 § 297; 1961 c 13 § 47.60.015. Prior: 1953 c 33 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.017 State ferry system a public mass transportation system.

The legislature finds and declares that the state ferry system is a public mass transportation system.

[1974 ex.s. c 105 § 1.]

RCW 47.60.020 Eminent domain--Condemnation proceedings.

For the purpose of carrying out any or all of the powers granted in this chapter, the department has the power of eminent domain for the acquisition of either real or personal property, used or useful for the Puget Sound ferry system. Condemnation pursuant to this chapter shall be the procedure set out in chapter 8.04 RCW. The department may institute condemnation proceedings in the superior court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the court in any such action has jurisdiction to condemn property wherever located

within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in the proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The court further has the power to issue such orders or process as are necessary to place the department into possession of any property condemned.

[1984 c 7 § 298; 1961 c 13 § 47.60.020. Prior: 1949 c 179 § 2; Rem. Supp. 1949 § 6584-31.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.030 Existing contracts--Prior negotiations and bids validated.

In any case where the department takes over any property or properties which are under lease, contract, or concession, or where the department has heretofore entered into any contract or negotiation or received any bid for any of the purposes set forth in this chapter, the department is authorized to continue in effect and carry out any such contract, lease, or concession or complete any such negotiation or accept any such bid or any modification of any of them which appears advantageous to the department without regard to any limitations or directions as to the manner thereof contained in this chapter. However, this section shall not be construed as requiring the department so to act, but this section is permissive only and then only in respect to contracts, leases, concessions, negotiations, or bids existing, entered into, or received prior to April 1, 1949.

[1984 c 7 § 299; 1961 c 13 § 47.60.030. Prior: 1949 c 179 § 7; Rem. Supp. 1949 § 6584-36.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.040 Survey by department.

For the purpose of obtaining information for the consideration of the department upon the acquisition of any ferries or ferry facilities or the construction of any toll bridge under this chapter, the department shall make any examination, investigation, survey, or reconnaissance for the determination of material facts pertaining thereto.

The cost of any such examination, investigation, survey, or reconnaissance, and all preliminary expenses leading up to and resulting in the issuance of any revenue bonds including, but not being limited to expenses in making surveys and appraisals and the drafting, printing, issuance, and sale of bonds under this chapter shall be borne by the department out of the motor vehicle fund. All such costs and expenses as well as any thereof heretofore incurred shall be reimbursed to the motor vehicle fund out of any proceeds derived from the sale of bonds or out

of tolls and revenues to be derived by the department through its operations hereunder.

[1984 c 7 § 300; 1961 c 13 § 47.60.040. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.050 Improvement of facilities--Financing.

Any facility that the department acquires or is authorized to acquire under the provisions of this chapter may be rehabilitated, rebuilt, enlarged, or improved, and the cost thereof may be paid from the revenues of the system or through the issuance of bonds as hereinafter provided.

[1984 c 7 § 301; 1961 c 13 § 47.60.050. Prior: 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.060 Revenue bonds authorized--Issuance--Conditions--Negotiability--Interim bonds.

For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation, or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches, and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging, or improving all or any part of the system, the department is authorized by resolution to issue its revenue bonds which shall constitute obligations only of the department and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by the resolution.

Each revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that the bond does not constitute an indebtedness of the state of Washington.

The department is empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations, and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

The revenue bonds may bear such date or dates, may mature at such time or times as the department determines, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in the resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable, each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor, and any interest coupons appertaining thereto shall bear the signature of the state treasurer. The countersignature

of the governor on the bonds and the signature of the state treasurer on the coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates, or receipts of any denomination and with or without coupons attached may be issued as may be provided by the resolution.

[1984 c 7 § 302; 1973 c 106 § 28; 1970 ex.s. c 56 § 65; 1969 ex.s. c 232 § 34; 1961 c 13 § 47.60.060. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Purpose--1970 ex.s. c 56: See note following RCW 39.52.020.

Validation--Saving--Severability--1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 47.60.080 Determining amount of bonds to be issued.

In determining the amount of bonds required to be issued there may be included any expenses incurred by the department in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance.

[1984 c 7 § 303; 1961 c 13 § 47.60.080. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.090 Sale of bonds--Deposit, disbursement of proceeds.

All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder after such advertising for bids as the department deems proper. However, the department may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it deems most advantageous to its own interests. The purchase price of all bonds issued under this chapter shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which the bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the department.

[1984 c 7 § 304; 1961 c 13 § 47.60.090. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.100 Bonds are legal investment for state moneys.

Notwithstanding any other provision of the law, bonds issued by the authority shall be legal investments by the state investment board of any state moneys in its hands, except permanent school funds and motor vehicle funds.

[1981 c 3 § 40; 1961 c 13 § 47.60.100. Prior: 1953 c 154 § 14; 1951 c 259 § 3; 1951 c 121 § 14; 1949 c 179 § 8; Rem. Supp. 1949 § 6584-37.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 47.60.110 Bondholders may compel performance.

The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with the construction, maintenance and operation of the ferry system and in connection with the collection, deposit, investment, application and disbursement of the proceeds of the bonds and the revenue and income derived from the operation of the system.

[1961 c 13 § 47.60.110. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

RCW 47.60.113 Refunding bonds--Authorization--Amount--Interest--Conditions.

The department is authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity or if all of the holders thereof consent thereto, upon such terms and conditions as it deems best, any or all of its revenue bonds now or hereafter outstanding, issued for the purpose of acquiring, constructing, or reconstructing any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, or issued for the purpose of refunding such bonds, which revenue bonds are payable out of all or part of the revenues of the toll facility. Refunding bonds may be issued hereunder in a sufficient amount to provide additional funds for acquiring, constructing, reconstructing, rehabilitating, rebuilding, enlarging, or improving any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, and to pay all refunding costs and expenses and to provide adequate reserves for the toll facility and for any such refunding bonds. Various issues and series of such outstanding bonds, including refunding bonds, may be combined and refunded by a single issue of refunding bonds. The refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, and shall contain such other covenants and conditions as the department determines by resolution.

[1984 c 7 § 305; 1961 c 13 § 47.60.113. Prior: 1957 c 152 § 1; 1955 c 17 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.114 Refunding bonds--Payable from revenues.

Any refunding bonds authorized by this chapter constitute obligations of the department only and not of the state of Washington. They shall be payable solely out of all or such part of the revenues derived from the operation of the toll bridge, toll road, toll tunnel, ferry system, or

any other toll facility, as shall be provided in the resolution authorizing the issuance of the refunding bonds.

[1984 c 7 § 306; 1961 c 13 § 47.60.114. Prior: 1957 c 152 § 2; 1955 c 17 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.115 Refunding bonds--Disposition--Laws applicable.

The bonds herein authorized shall, in the discretion of the department, be exchanged at the best possible price for the bonds being refunded, or any such bonds not exchanged shall be sold in the manner provided in RCW 47.60.090. The bonds herein authorized shall be issued in accordance with, and shall be subject to, the provisions of RCW 47.60.050, 47.60.060, 47.60.080, 47.60.100, 47.60.110, and 47.60.120.

[1983 c 3 § 134; 1961 c 13 § 47.60.115. Prior: 1957 c 152 § 3; 1955 c 17 § 3.]

RCW 47.60.120 Other crossings--Infringement of existing franchises--Waivers.

(1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

(3) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(4) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such

franchise holder under the franchise.

[1993 c 427 § 1; 1984 c 7 § 307; 1961 c 13 § 47.60.120. Prior: 1949 c 179 § 6; Rem. Supp. 1949 § 6584-35.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.122 Ferries, terminal facilities--Interim revenue warrants authorized.

For the purpose of paying the cost of acquiring, constructing, or reconstructing ferries or ferry terminal facilities, and all costs which may be incurred in connection therewith, the department is authorized to issue interim revenue warrants, which shall constitute obligations only of the department, and which shall not be obligations of the state of Washington. Such warrants shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance, and shall be drawn upon, and the principal thereof and interest thereon shall be payable out of, such fund or funds as shall be created in and provided by the resolution. The warrants may be interest-bearing coupon warrants with a fixed maturity date, or may be interest-bearing registered warrants payable in order of their issuance whenever there is sufficient money in the fund upon which they were drawn to redeem any of them.

[1984 c 7 § 308; 1961 c 13 § 47.60.122. Prior: 1953 c 159 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.124 Revenue refunding bonds to redeem interim warrants.

If it is deemed advisable or found necessary to redeem any or all of such warrants, the department is authorized to issue its revenue refunding bonds for that purpose. The bonds shall constitute obligations only of the department, and shall not be obligations of the state of Washington. The refunding bonds shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance.

[1984 c 7 § 309; 1961 c 13 § 47.60.124. Prior: 1953 c 159 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.126 Interim warrants and refunding bonds--Laws applicable.

All provisions of chapter 47.60 RCW pertaining and applicable to the revenue bonds of the department authorized in that chapter are applicable to the warrants and revenue refunding bonds authorized herein except insofar as otherwise provided by RCW 47.60.122 through 47.60.126.

[1984 c 7 § 310; 1961 c 13 § 47.60.126. Prior: 1953 c 159 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.130 Unit or combined operation--Continuous project--Rental, charter, lease of system property--Sale of unneeded property.

Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the department of transportation may determine, and such ferry system together with any toll bridge hereafter constructed by the department upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The department is empowered to rent, lease, or charter any property acquired under this chapter. If the department determines that any real property (including lands, improvements thereon, and any interests or estates) originally acquired for the ferry system is no longer required for the purposes of the ferry system, the department shall offer it for sale in the manner and with the authority authorized to the department by RCW 47.12.063 or 47.12.283. The secretary of transportation may adopt rules further implementing this section. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

[1979 ex.s. c 189 § 6; 1973 1st ex.s. c 177 § 5; 1961 c 13 § 47.60.130. Prior: 1955 c 22 § 1; 1953 c 32 § 1; 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

RCW 47.60.135 Charter of state ferries for transporting hazardous materials.

(1) The charter use of Washington State Ferry vessels when established route operations and normal user requirements are not disrupted is permissible.

(2) Consistent with the policy as established in subsection (1) of this section, the general manager of the Washington State Ferries may approve agreements for the chartering of Washington State Ferry vessels to groups or individuals, including hazardous material transporters, in accordance with the following:

(a) Vessels may be committed to charter only when established route operation and normal user requirements are not disrupted or inconvenienced. If a vessel is engaged in the transport of hazardous materials, the transporter shall pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of Washington State Ferries.

(b) Charter rates for vessels must be established at actual vessel operating costs plus fifty percent of such actual costs rounded to the nearest fifty dollars. Actual vessel operating costs include, but are not limited to, all labor, fuel, and vessel maintenance costs incurred due to the charter agreement, including deadheading and standby.

(c) Recognizing the need for stabilized charter rates in order to encourage use of vessels, rates must be established and revised July 1st of each year and must remain fixed for a one-year period unless actual vessel operating costs increase five percent or more within that year, in which case the charter rates must be revised in accordance with (b) of this subsection.

(d) All charter agreements must be in writing and substantially in the form of (e) of this subsection and available, with calculations, for inspection by the legislature and the public.

(e) Parties chartering Washington State Ferry vessels shall comply with all applicable laws, rules, and regulations during the charter voyage, and failure to so comply is cause for immediate termination of the charter voyage.

"CHARTER CRUISE AGREEMENT

On this day of,, Washington State Ferries (WSF) and, hereinafter called Lessee, enter into this agreement for rental of a ferry vessel for the purpose of a charter voyage to be held on, the parties agree as follows:

1. WSF agrees to supply the vessel (subject to change) for the use of the Lessee from the period from to on (date).

2. The maximum number of passengers; or in the case of hazardous materials transports, trucks and trailers; that will be accommodated on the assigned vessel is This number MAY NOT be exceeded.

3. The voyage will originate at, and the route of travel during the voyage will be as follows:

.....

4. The charge for the above voyage is dollars (\$. . .) plus a property damage deposit of \$350 for a total price of \$. . ., to be paid by cashier's check three working days before the date of the voyage at the offices of the WSF at Seattle Ferry Terminal, Pier 52, Seattle, Washington 98104. The Lessee remains responsible for property damage in excess of \$350.

5. WSF is responsible only for the navigational operation of the chartered ferry and in no way is responsible for directing voyage activities, providing equipment, or any food service.

6. Other than for hazardous materials transport, the voyage activities must be conducted exclusively on the passenger decks of the assigned ferry. Voyage patrons will not be permitted to enter the pilot house or the engine room, nor shall the vehicle decks be used for any purpose other than loading or unloading of voyage patrons or hazardous materials.

7. If the Lessee or any of the voyage patrons will possess or consume alcoholic beverages

aboard the vessel, the Lessee must obtain the appropriate licenses or permits from the Washington State Liquor Control Board. The Lessee must furnish copies of any necessary licenses or permits to WSF at the same time payment for the voyage is made. Failure to comply with applicable laws, rules, and regulations of appropriate State and Federal agencies is cause for immediate termination of the voyage, and WSF shall retain all payments made as liquidated damages.

8. WSF is not obligated to provide shoreside parking for the vehicles belonging to voyage patrons.

9. The Lessee recognizes that the primary function of the WSF is for the cross-Sound transportation of the public and the maintaining of the existing schedule. The Lessee recognizes therefore the right of WSF to cancel a voyage commitment without liability to the Lessee due to unforeseen circumstances or events that require the use of the chartered vessel on its scheduled route operations. In the event of such a cancellation, WSF agrees to refund the entire amount of the charter fee to the Lessee.

10. The Lessee agrees to hold WSF harmless from, and shall process and defend at its own expense, all claims, demands, or suits at law or equity, of whatever nature brought against WSF arising in whole or in part from the performance of provisions of this agreement. This indemnity provision does not require the Lessee to defend or indemnify WSF against any action based solely on the alleged negligence of WSF.

11. This writing is the full agreement between the parties.

..... WASHINGTON STATE FERRIES
Lessee

By:..... By:.....
General Manager"

[1997 c 323 § 2.]

Notes:

Finding--1997 c 323: "The legislature finds that when established route operations and normal user requirements are not disrupted Washington state ferries may be used for the transportation of hazardous materials under the chartering procedures and rates described in RCW 47.60.135." [1997 c 323 § 1.]

RCW 47.60.140 System as self-liquidating undertaking--Powers of department--Concessions.

(1) The department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue-producing and self-liquidating undertaking. The department has full charge of the

construction, rehabilitation, rebuilding, enlarging, improving, operation, and maintenance of the ferry system, including toll bridges, approaches, and roadways incidental thereto that may be authorized by the department, including the collection of tolls and other charges for the services and facilities of the undertaking. The department has the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches, and landings, but, except as provided in subsection (2) of this section, no such leases or contracts may be entered into for more than ten years, nor without a competitive contract process, except as otherwise provided in this section. The competitive process shall be either an invitation for bids in accordance with the process established by chapter 43.19 RCW, or a request for proposals in accordance with the process established by RCW 47.56.030.

(2) As part of a joint development agreement under which a public or private developer constructs or installs improvements on ferry system property, the department may lease all or part of such property and improvements to such developers for that period of time, not to exceed fifty-five years, or not to exceed thirty years for those areas located within harbor areas, which the department determines is necessary to allow the developer to make reasonable recovery on its initial investment. Any lease entered into as provided for in this subsection that involves state aquatic lands shall conform with the Washington state Constitution and applicable statutory requirements as determined by the department of natural resources. That portion of the lease rate attributable to the state aquatic lands shall be distributed in the same manner as other lease revenues derived from state aquatic lands as provided in RCW 79.24.580.

[1995 1st sp.s. c 4 § 2; 1987 c 69 § 1; 1984 c 7 § 311; 1965 ex.s. c 170 § 58; 1961 c 13 § 47.60.140. Prior: 1951 c 259 § 1; 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

Notes:

Effective date--1995 1st sp.s. c 4: See note following RCW 47.56.030.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.145 Historic ferries--Acquisition by qualified persons or organizations.

(1) An "historic ferry" is any vessel in the Washington state ferries fleet which has been listed in the Washington state register of historic places.

(2) When the department of transportation determines that an historic ferry is surplus to the needs of Washington state ferries, the department shall call for proposals from persons who wish to acquire the historic ferry. Proposals for the acquisition of an historic ferry shall be accepted only from persons or organizations that (a) are a governmental entity or a nonprofit corporation or association dedicated to the preservation of historic properties; (b) agree to a contract approved by the state historic preservation officer, which requires the preservation and maintenance of the historic ferry and provides that title to the ferry reverts to the state if the secretary of transportation determines that the contract has been violated; and (c) demonstrate the administrative and financial ability successfully to comply with the contract.

(3) The department shall evaluate the qualifying proposals and shall select the proposal which is most advantageous to the state. Factors to be considered in making the selection shall

include but not be limited to:

- (a) Extent and quality of restoration;
- (b) Retention of original design and use;
- (c) Public access to the vessel;
- (d) Provisions for historical interpretation;
- (e) Monetary return to the state.

(4) If there are no qualifying proposals, an historic ferry shall be disposed of in the manner provided by state law.

[1982 c 210 § 1.]

Notes:

Severability--1982 c 210: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 210 § 2.]

Archaeology and historic preservation, office of: Chapter 27.34 RCW.

RCW 47.60.150 Fixing of charges--Deposit of revenues.

Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the commission so that the tolls and other revenues deposited in the Puget Sound ferry operations account for maintenance and operation, and all moneys in the Puget Sound capital construction account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the department and deposited into the Puget Sound ferry operations account. Nothing in this section requires tolls on the Hood Canal bridge except as may be required by any bond covenants.

[1999 c 94 § 26; 1990 c 42 § 405. Prior: 1986 c 66 § 2; 1986 c 23 § 1; 1983 c 3 § 135; 1972 ex.s. c 24 § 5; 1961 c 13 § 47.60.150; prior: 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 66: "This act shall take effect July 1, 1987. The secretary of transportation may immediately take such steps as are necessary to ensure that this act is implemented on its effective date." [1986 c 66 § 14.]

Effective date--1986 c 23: "This act shall take effect on July 1, 1987. The secretary of transportation may immediately take such steps as may be necessary to insure that this act is implemented on its effective date." [1986 c 23 § 2.]

RCW 47.60.170 Ferries revolving fund--Deposit of excess funds.

Nothing in RCW 47.60.150 forbids the establishment by the department of a Washington state ferries revolving fund of not to exceed six hundred thousand dollars from the proceeds of any bonds sold under the provisions of this chapter. The fund may be deposited by the department in such banks or financial institutions as it may select throughout the state. RCW 43.01.050 does not apply to the fund or any deposits therein made by the department under this section. The department may deposit all moneys received under this chapter in the fund. All expenses whatsoever arising in the operations of the Puget Sound ferry system shall be paid from the fund, if established, by check or voucher in such manner as may be prescribed by the department.

All moneys received by the department or any employee under the foregoing sections of this chapter, except an amount of petty cash for each day's needs as fixed by the regulation of the department, shall each day and as often during the day as advisable, be deposited in the nearest authorized depository selected by the department under this section.

Whenever the fund exceeds six hundred thousand dollars, the department shall forthwith transmit the excess to the state treasurer for deposit in the trust fund established by RCW 47.60.150.

[1984 c 7 § 313; 1970 ex.s. c 85 § 6; 1961 c 13 § 47.60.170. Prior: 1951 c 259 § 13.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--1970 ex.s. c 85: See note following RCW 47.60.500.

RCW 47.60.200 Consent to liability not general liability of state.

Any consent to liability given under the provisions of this chapter creates liability of the department only and does not create any general liability of the state.

[1984 c 7 § 314; 1961 c 13 § 47.60.200. Prior: 1951 c 259 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.210 Seamen may sue for injuries--Venue.

The state consents to suits against the department by seamen for injuries occurring upon vessels of the department in accordance with the provisions of section 688, title 46, of the United States code. The venue of such actions may be in the superior court for Thurston county or the county where the injury occurred.

[1984 c 7 § 315; 1961 c 13 § 47.60.210. Prior: 1951 c 259 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.220 Department as common carrier--Rights and liabilities.

The department has all the obligations, duties, and rights of a common carrier of persons and property in its operation of ferries, terminals, or other facilities used in its ferry operations, including the right to participate in joint rates and through routes, agreements, and divisions of through and joint rates with railroads and other common carriers and the right to make any filings with the interstate commerce commission, the United States maritime commission, or any other state or federal regulatory or governmental body and to comply with the lawful rules and regulations or requirements of any such body, and is subject to laws relating to carrier's liability for loss or damage to property transported, and for personal injury or death of persons transported.

[1984 c 7 § 316; 1961 c 13 § 47.60.220. Prior: 1951 c 259 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.230 Liability for damages as to persons or property.

In case of property loss or damage or personal injuries or death resulting from the operation of any ferry or terminal by the department, any person or the personal representative of any person, subject to and to the extent hereinafter provided, has a right of action against the department for the damage, loss, injury, or death.

[1984 c 7 § 317; 1961 c 13 § 47.60.230. Prior: 1951 c 259 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.240 Liability to persons other than shippers or passengers--Limitation.

The right of action extended by this chapter is applicable to loss or damage of property and/or personal injury or death resulting from the operation of ferries or terminals by the department to persons other than shippers or passengers, but any recovery of damages in such cases shall not exceed an amount equal to the limitations of the insurance carried by the department to insure it against loss for such liability.

[1984 c 7 § 318; 1961 c 13 § 47.60.240. Prior: 1951 c 259 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.250 Claim for damages--Filing--Contents--Time limitations.

As a condition to a recovery thereon, a verified claim against the department growing out

of such damages, loss, injuries, or death must first be presented to the department and filed with the secretary within one hundred twenty days after the time when the claim accrued. If the claimant is incapacitated from verifying and filing a claim within the one hundred twenty days, or if the claimant is a minor, then the claim may be verified and presented on behalf of the claimant by his or her relative, attorney, or agent. Each claim must accurately locate and describe the event or defect that caused the damage, loss, injury, or death, reasonably describe the damage, loss, or injury, and state the time when the damage, loss, or injury occurred, give the claimant's residence for the last six months, and contain the items of damages claimed. No action may be maintained against the department upon the claim until the claim has been presented to, and filed with, the department and sixty days have elapsed after the presentation and filing, nor more than three years after the claim accrued.

With respect to the content of the claims, this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

[1984 c 7 § 319; 1967 c 164 § 3; 1961 c 13 § 47.60.250. Prior: 1951 c 259 § 10.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Purpose--Severability--1967 c 164: See notes following RCW 4.96.010.

Claims against the state: Chapter 4.92 RCW.

RCW 47.60.260 Payment of claims.

The department may upon such terms and conditions as it may impose and under such rules as it may adopt, pay claims arising under its operation of ferries or terminals or compromise or settle the claims. No claim may be paid by the department or any settlement or compromise of it be made except from the operating revenues of the department derived from its operation of ferries or terminals or from the proceeds of insurance recoveries.

[1984 c 7 § 320; 1961 c 13 § 47.60.260. Prior: 1951 c 259 § 11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.270 Venue of actions--Enforcement of judgment.

Actions for the recovery of damages under RCW 47.60.220 through 47.60.260 may be brought in Thurston county or in the county in which the aggrieved person resides. No execution upon a judgment or attachment may be levied against the property of the department, nor does the state consent to any maritime lien against vessels of the department, but the department may be required by order of court to pay any judgment.

[1984 c 7 § 321; 1961 c 13 § 47.60.270. Prior: 1951 c 259 § 12.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.275 Local law enforcement officers on ferries and terminals.

Law enforcement officers of cities, towns, and counties which are served by state ferries shall have, and are hereby authorized to exercise, concurrent jurisdiction and authority with state law enforcement officers in the enforcement of laws of the state and local governmental divisions at those state ferry terminals located within the respective governmental division served by such local law enforcement officers and on state ferries at the terminals and throughout the ferry runs, notwithstanding that the ferry may not be in the officer's governmental division.

[1969 ex.s. c 13 § 1.]

RCW 47.60.277 "No Smoking" areas on state ferries--Establishment directed.

See RCW 47.56.730.

RCW 47.60.280 Ferry service--Lummi Island to Orcas Island--Limitation on operation.

The department is authorized and directed to establish and operate a ferry service from a suitable point on Lummi Island in Whatcom county to a suitable point on Orcas Island in San Juan county by the most feasible route if and when Whatcom county constructs a bridge from Gooseberry Point on the mainland to Lummi Island. The actual operation of the ferry service shall not begin until Whatcom county has completed the construction of such bridge.

[1984 c 7 § 322; 1961 c 13 § 47.60.280. Prior: 1959 c 198 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.282 Ferry service between Port Townsend and Keystone--Operation authorized, when.

The department is authorized to operate a ferry service between Port Townsend and Keystone on Admiralty Inlet if the certificate of convenience and necessity for the ferry operation is theretofore surrendered, rights thereunder are abandoned, and the ferry service is discontinued. In no event may the department undertake such a ferry service preceding events as set forth herein or before April 1, 1973.

[1984 c 7 § 323; 1972 ex.s. c 44 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.283 Ferry service between Port Townsend and Keystone--Purpose.

The purpose of RCW 47.60.282 and 47.60.283 is to provide service on the ferry route between Port Townsend and Keystone to be determined by the department. Operation of this route is necessary for the economic health, safety, and welfare of the people of the state. Additionally, state operation of this route will further benefit the people of the state by providing better access to important installations maintained by the United States Navy and the United States Coast Guard.

[1984 c 7 § 324; 1972 ex.s. c 44 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.290 State ferries--Review of tariffs and charges.

Subject to the provisions of RCW 47.60.326, the department is hereby authorized and directed to review tariffs and charges as applicable to the operation of the Washington state ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries.

[1983 c 3 § 136; 1972 ex.s. c 24 § 6; 1961 c 13 § 47.60.290. Prior: 1959 c 199 § 1.]

RCW 47.60.300 State ferries--Scope of review--Periodic reviews required.

The review shall include but not be limited to tariffs for automobiles, passengers, trucks, commutation rates, and volume discounts. The review shall give proper consideration to time of travel, distance of travel, operating costs, maintenance and repair expenses, and the resultant effect any change in tariff might have on the debt service requirements of the department as specifically provided in existing financing programs. The review shall also include the allocation of vessels to particular runs, the scheduling of particular runs, the adequacy and arrangements of docks and dock facilities, and any other subject deemed by the department to be properly within the scope of the review. The department is further authorized and directed to make a like review within every three-year period.

[1984 c 7 § 325; 1961 c 13 § 47.60.300. Prior: 1959 c 199 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.310 State ferries--Local expressions--Ferry advisory committees.

(1) The department is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the department shall give prior notice of the review to the ferry advisory committees.

(2) The legislative authorities of San Juan, Skagit, Clallam, and Jefferson counties shall

each appoint a committee to consist of five members to serve as an advisory committee to the department or its designated representative in such review. The legislative authorities of other counties that contain ferry terminals shall appoint ferry advisory committees consisting of three members for each terminal area in each county, except for Vashon Island, which shall have one committee, and its members shall be appointed by the Vashon/Maury Island community council. At least one person appointed to each ferry advisory committee shall be representative of an established ferry user group or of frequent users of the ferry system. Each member shall reside in the vicinity of the terminal that the advisory committee represents.

(3) The members of the San Juan, Clallam, and Jefferson county ferry advisory committees shall be appointed for four-year terms. The initial terms shall commence on July 1, 1982, and end on June 30, 1986. Any vacancy shall be filled for the remainder of the unexpired term by the appointing authority. At least one person appointed to the advisory committee shall be representative of an established ferry-user group or of frequent users of the ferry system, at least one shall be representative of persons or firms using or depending upon the ferry system for commerce, and one member shall be representative of a local government planning body or its staff. Every member shall be a resident of the county upon whose advisory committee he or she sits, and not more than three members shall at the time of their appointment be members of the same major political party.

(4) The members of each terminal area committee shall be appointed for four-year terms. The initial terms of the members of each terminal area committee shall be staggered as follows: All terms shall commence September 1, 1988, with one member's term expiring August 31, 1990, one member's term expiring August 31, 1991, and the remaining member's term expiring August 31, 1992. Any vacancy shall be filled for the remainder of the unexpired term by the appointing authority. Not more than two members of any terminal-area committee may be from the same political party at the time of their appointment, and in a county having more than one committee, the overall party representation shall be as nearly equal as possible.

(5) The chairmen of the several committees constitute an executive committee of the Washington state ferry users. The executive committee shall meet twice each year with representatives of the marine division of the department to review ferry system issues.

(6) The committees to be appointed by the county legislative authorities shall serve without fee or compensation.

[1988 c 100 § 1; 1983 c 15 § 24; 1983 c 3 § 137; 1977 c 29 § 1; 1961 c 13 § 47.60.310. Prior: 1959 c 199 § 3.]

Notes:

Severability--1983 c 15: See RCW 47.64.910.

RCW 47.60.326 Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission.

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

- (a) The amount of subsidy available to the ferry system for maintenance and operation;
- (b) The time and distance of ferry runs;
- (c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;
- (d) The efficient distribution of traffic between cross-sound routes;
- (e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;
- (f) The effect of proposed fares in increasing walk-on and vehicular passenger use;
- (g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;
- (h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected revenues from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

(6) Under RCW 43.135.055, the transportation commission may increase ferry tolls included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

[2001 1st sp.s. c 1 § 1; 1999 c 94 § 27; 1990 c 42 § 406; 1983 c 15 § 25; 1981 c 344 § 5.]

NOTES:

Effective date--2001 1st sp.s. c 1: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 2, 2001]." [2001 1st sp.s. c 1 § 2.]

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Severability--1983 c 15: See RCW 47.64.910.

Severability--1981 c 344: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 344 § 8.]

RCW 47.60.330 Public participation.

(1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department of transportation shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c).

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1) (a) or (c) of this section.

[1983 c 15 § 26.]

Notes:

Sections captions--Severability--1983 c 15: See RCW 47.64.900 and 47.64.910.

RCW 47.60.400 Refunding bonds authorized, 1961 Act.

The Washington toll bridge authority is authorized to issue revenue bonds to refund all or any part of the authority's outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds. With respect to the issuing of such bonds and the payment of principal and interest thereon, the payment into reserves, sinking funds, and the fixing and revision of charges for services and facilities of the system, and in managing all its fiscal operations, the authority shall have all the powers and shall follow the same procedures established for it under existing laws, except as otherwise provided herein.

[1986 c 66 § 3; 1961 ex.s. c 9 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

Effective date--1986 c 66: See note following RCW 47.60.150.

Appropriation--1961 ex.s. c 9: "There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, for the biennium ending June 30, 1963, the sum of two million six hundred thousand dollars or so much thereof as may be necessary for the operation and maintenance of the Washington state ferries and the payments of principal and interest on outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds and payments into reserves thereof as required by resolutions adopted by the authority with respect to such bond issues. Whenever such bond issues shall be refunded, any unexpended part of this appropriation shall lapse." [1961 ex.s. c 9 § 8.]

**RCW 47.60.420 Additional revenue bonds, refunding bonds, authorized, 1961
Act--Prior charge against Puget Sound capital construction account if ferry system
revenues insufficient.**

To the extent that all revenues from the Washington state ferry system available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued under RCW 47.60.400 through 47.60.450 and for sinking fund requirements established with respect thereto and for payment into such reserves as the department has established with respect to the securing of the bonds, there is imposed a first and prior charge against the Puget Sound capital construction account of the motor vehicle fund created by RCW 47.60.505 and, to the extent required, against all revenues required by RCW 46.68.090 to be deposited in the Puget Sound capital construction account.

To the extent that the revenues from the Washington state ferry system available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements, and payments into reserves, the department shall use moneys in the Puget Sound capital construction account for such purpose.

[1999 c 269 § 15; 1990 c 42 § 407; 1986 c 66 § 4; 1984 c 7 § 330; 1961 ex.s. c 9 § 3.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1984 c 7: See note following RCW 47.01.141.

**RCW 47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961
Act--Agreement to continue imposition of certain taxes.**

So long as any bonds issued as authorized herein are outstanding, the state hereby agrees to continue to impose at least one-quarter cent of motor vehicle fuel tax and one-quarter cent of special fuel tax required by law and to deposit the proceeds of these taxes in the Puget Sound capital construction account of the motor vehicle fund.

[1986 c 66 § 5; 1961 ex.s. c 9 § 4.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

RCW 47.60.440 Additional revenue bonds, refunding bonds, authorized, 1961 Act--Ferry system a revenue-producing undertaking--Debt service--Tolls on ferry system and Hood Canal bridge.

The Washington state ferry system shall be efficiently managed, operated, and maintained as a revenue-producing undertaking. Subject to the provisions of RCW 47.60.326 the commission shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system with other moneys deposited in the Puget Sound ferry operations account for maintenance and operation and all moneys in the Puget Sound capital construction account available for debt service will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements, and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through *47.60.470.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the commission but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

[1999 c 94 § 28; 1990 c 42 § 408; 1986 c 66 § 6; 1983 c 3 § 139; 1972 ex.s. c 24 § 7; 1963 ex.s. c 3 § 42; 1961 ex.s. c 9 § 5.]

Notes:

***Reviser's note:** RCW 47.60.470 was repealed by 1998 c 245 § 176.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 66: See note following RCW 47.60.150.

RCW 47.60.445 Hood Canal bridge--Tolls, upkeep costs.

Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the transportation commission shall not collect tolls on the Hood Canal bridge for any purpose except where necessary to comply with bond covenants.

The cost of maintenance, upkeep, and repair may be paid from funds appropriated for the construction and maintenance of the primary state highways of the state of Washington.

[1990 c 42 § 409.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 47.60.450 Additional revenue bonds, refunding bonds, authorized, 1961 Act--Revision of tolls to meet debt service.

If the net revenue together with all moneys in the Puget Sound capital construction account available for debt service in any fiscal year fail to meet minimum annual debt service for the year, as defined in RCW 47.60.440, the commission shall promptly revise the tolls and charges after considering supporting data and recommendations therefor which shall be furnished by a nationally recognized traffic engineering firm retained by the commission in the manner provided in the bond proceedings.

Tolls and charges shall not be increased in any case when in the opinion of the engineering firm the increase would so reduce traffic that no net gain in revenue would result. This section is a covenant for the benefit of the holders of the bonds.

[1986 c 66 § 7; 1984 c 7 § 331; 1961 ex.s. c 9 § 6.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.500 Acquisition of additional ferries--Legislative finding--Department authority.

(1) The legislature finds that the state's ferry fleet available for mass transportation of people within the urban region of Puget Sound is critically deficient and that substantial financial assistance for the acquisition of new ferries is necessary if the Washington state ferries is to continue to fulfill its role in the Puget Sound regional urban transportation system.

(2) The department is authorized:

(a) To apply to the United States secretary of transportation for a financial grant to assist the state to acquire urgently needed ferries;

(b) To enter into an agreement with the United States secretary of transportation or other duly authorized federal officials and to assent to such conditions as may be necessary to obtain financial assistance for the acquisition of additional ferries. In connection with the agreement the department may pledge any moneys in the Puget Sound capital construction account, not required for debt service, in the motor vehicle fund or any moneys to be deposited in the account for the purpose of paying the state's share of the cost of acquiring ferries. To the extent of the pledge the department shall use the moneys available in the Puget Sound capital construction account to meet the obligations as they arise.

[1986 c 66 § 8; 1984 c 7 § 333; 1970 ex.s. c 85 § 1.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--1970 ex.s. c 85: "This 1970 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect April 1, 1970." [1970 ex.s. c 85 § 9.]

RCW 47.60.502 Hood Canal bridge--Legislative finding--Authority to restore or replace.

The legislature finds that high tides and hurricane force winds on February 13, 1979, caused conditions resulting in the catastrophic destruction of the Hood Canal bridge on state route 104, a state highway on the federal-aid system; and, as a consequence, the state of Washington has sustained a sudden and complete failure of a major segment of highway system with a disastrous impact on transportation services between the counties of Washington's Olympic peninsula and the remainder of the state. The governor has by proclamation found that these conditions constitute an emergency. To minimize the economic loss and hardship to residents of the Puget Sound and Olympic peninsula regions, the department of transportation is authorized and directed to undertake immediately all necessary actions to restore interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas. The department is further authorized and directed to proceed immediately with all necessary measures to survey the damage to the Hood Canal bridge and to undertake the planning, design, and construction necessary to restore or replace the Hood Canal bridge.

[1979 c 27 § 1.]

Notes:

Severability--1979 c 27: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 27 § 10.]

RCW 47.60.503 Hood Canal bridge--Authority to obtain federal emergency relief funds.

The department of transportation is authorized and directed to take all necessary steps to obtain federal emergency relief funds to assist the state of Washington in restoring transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas, including both interim measures and the ultimate reconstruction or replacement of the Hood Canal bridge.

[1979 c 27 § 2.]

Notes:

Severability--1979 c 27: See note following RCW 47.60.502.

RCW 47.60.505 Puget Sound capital construction account--Created--Use.

There is hereby created in the motor vehicle fund the Puget Sound capital construction account. All moneys hereafter deposited in said account shall be used by the department of transportation for:

(1) Reimbursing the motor vehicle fund for all transfers therefrom made in accordance with RCW 47.60.620; and

(2) Improving the Washington state ferry system including, but not limited to, vessel

acquisition, vessel construction, major and minor vessel improvements, terminal construction and improvements, and reconstruction or replacement of, and improvements to, the Hood Canal bridge, reimbursement of the motor vehicle fund for any state funds, other than insurance proceeds, expended therefrom for reconstruction or replacement of and improvements to the Hood Canal bridge, pursuant to proper appropriations: PROVIDED, That any funds accruing to the Puget Sound capital construction account after June 30, 1979, which are not required to reimburse the motor vehicle fund pursuant to RCW 47.60.620 as such obligations come due nor are required for capital improvements of the Washington state ferries pursuant to appropriations therefor shall from time to time as shall be determined by the department of transportation be transferred by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund.

(3) The department may pledge any moneys in the Puget Sound capital construction account or to be deposited in that account to guarantee the payment of principal or interest on bonds issued to refund the outstanding 1955 Washington state ferry system refunding bonds and the 1957 ferry and Hood Canal bridge revenue bonds.

The department may further pledge moneys in the Puget Sound capital construction account to meet any sinking fund requirements or reserves established by the department with respect to any bond issues provided for in this section.

To the extent of any pledge authorized in this section, the department shall use the first moneys available in the Puget Sound capital construction account to meet such obligations as they arise, and shall maintain a balance of not less than one million dollars in the account for this purpose.

(4) The treasurer shall never transfer any moneys from the Puget Sound capital construction account for use by the department for state highway purposes so long as there is due and unpaid any obligations for payment of principal, interest, sinking funds, or reserves as required by any pledge of the Puget Sound capital construction account. Whenever the department has pledged any moneys in the account for the purposes authorized in this section, the state agrees to continue to deposit in the Puget Sound capital construction account the motor vehicle fuel taxes and special fuel taxes as provided in RCW 82.36.020 and 82.38.290 and further agrees that, so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes.

(5) Funds in the Puget Sound capital construction account of the motor vehicle fund that are not required by the department for payment of principal or interest on bond issues or for any of the other purposes authorized in this chapter may be invested by the department in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080.

[1986 c 66 § 9; 1979 c 27 § 3; 1977 ex.s. c 360 § 10; 1970 ex.s. c 85 § 2.]

Notes:

Transfer of funds--1986 c 66: "Moneys in the Puget Sound reserve account and ferry improvement fund on July 1, 1987, shall be transferred to the Puget Sound capital construction account." [1986 c 66 § 13.]

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1979 c 27: See note following RCW 47.60.502.

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

Effective date--1970 ex.s. c 85: See note following RCW 47.60.500.

RCW 47.60.530 Puget Sound ferry operations account--Created--Use.

There is hereby created in the motor vehicle fund the Puget Sound ferry operations account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys deposited in this account shall be expended pursuant to appropriations only for reimbursement of the motor vehicle fund for any state moneys, other than insurance proceeds, expended therefrom for alternate transportation services instituted as a result of the destruction of the Hood Canal bridge, and for maintenance and operation of the Washington state ferries including the Hood Canal bridge, supplementing as required the revenues available from the Washington state ferry system.

[1979 c 27 § 4; 1972 ex.s. c 24 § 3.]

Notes:

Severability--1979 c 27: See note following RCW 47.60.502.

RCW 47.60.550 Parking or holding area for ferry patrons in conjunction with municipal off-street parking facilities.

(1) Whenever a county, city, or other municipal corporation acquires or constructs a facility to be used in whole or in part for off-street parking of motor vehicles which is in the immediate vicinity of an existing or planned ferry terminal, the department may enter into an agreement with the local governmental body providing for the use in part or at specified times of the facility as a holding area for traffic waiting to board a ferry or for parking by ferry patrons.

(2) As a part of an agreement authorized by subsection (1) of this section, the department, subject to the limitations contained in RCW 47.60.505, may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund, or to be deposited in the account, to guarantee the payment of principal and interest on bonds issued by a county, city, or other municipal corporation to finance the acquisition or construction of the parking facility. In making the pledge, the department shall reserve the right to issue its own bonds for the purpose of paying the costs of acquiring ferry vessels with the provision that the bonds shall rank on parity with the bonds authorized by this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account.

The department shall also reserve the right to pledge moneys in the Puget Sound capital construction account to guarantee subsequent bonds issued by any county, city, or other municipal corporation to finance parking facilities as authorized in subsection (1) of this section with the provision that the subsequent bonds shall rank on parity with prior bonds guaranteed pursuant to this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account. To the extent of any pledge herein authorized, the department shall use the first moneys available in the Puget Sound capital construction account to meet the obligations as they arise.

[1986 c 66 § 10; 1984 c 7 § 335; 1975-'76 2nd ex.s. c 69 § 1.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1984 c 7: See note following RCW 47.01.141.

**RCW 47.60.560 General obligation
bonds--Ferries--Authorized--Purposes--Passenger-only vessels--Issuance, sale, and
retirement.**

In order to provide funds necessary for vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements for the Washington state ferries, there shall be issued and sold upon the request of the department general obligation bonds of the state of Washington in the sum of one hundred thirty-five million dollars or such amount thereof as may be required (together with other funds available therefor). If the state of Washington is able to obtain matching funds from the urban mass transportation administration or other federal government agencies for the acquisition of passenger-only vessels capable of operating as an integral part of the Washington state ferries on Puget Sound and the Straits of Juan de Fuca, a sufficient amount of the proceeds of the bonds authorized herein shall be used to pay the state's share of the acquisition cost of the passenger-only vessels. Upon request being made by the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in accordance with chapter 39.42 RCW. The bonds may be sold from time to time in such amounts as may be necessary for the orderly progress in constructing the ferries. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

[1986 c 290 § 8; 1985 c 176 § 1; 1984 c 7 § 336; 1977 ex.s. c 360 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1977 ex.s. c 360: "If any provision of this 1977 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 360 § 13.]

RCW 47.60.570 Disposition of proceeds from sale of bonds.

The proceeds from the sale of the bonds shall be deposited in the Puget Sound capital construction account of the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.60.560, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1986 c 290 § 9; 1977 ex.s. c 360 § 2.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.580 Bonds--Terms--Principal and interest payable from proceeds of state excise taxes on motor vehicle and special fuels.

Bonds issued under the provisions of RCW 47.60.560 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.60.560 through 47.60.640 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.60.560 through 47.60.640 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.60.560 through 47.60.640.

[1995 c 274 § 18; 1977 ex.s. c 360 § 3.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.590 Repayment of bonds--Fund sources.

Any funds required to repay the bonds authorized by RCW 47.60.560 or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or

interest on any such bonds.

[1977 ex.s. c 360 § 4.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.600 Bonds--Powers and duties of state finance committee.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.60.590, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the ferry bond retirement fund hereby created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

[1977 ex.s. c 360 § 5.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.610 Excess repayment funds--Disposition.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the bond retirement fund proves more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee and with the concurrence of the department, be available for the prior redemption of any bonds or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1984 c 7 § 337; 1977 ex.s. c 360 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.620 Reimbursements and transfers of funds.

Whenever, pursuant to RCW 47.60.600, the state treasurer shall transfer funds from the motor vehicle fund to the ferry bond retirement fund, the state treasurer shall at the same time reimburse the motor vehicle fund in an identical amount from the Puget Sound capital construction account. After each transfer by the treasurer of funds from the motor vehicle fund to the bond retirement fund and to the extent permitted by RCW 47.60.420, 47.60.505(3), and 47.60.505(4), the obligation to reimburse the motor vehicle fund as required herein shall constitute a first and prior charge against the funds within and accruing to the Puget Sound capital construction account, including the proceeds of the additional two-tenths of one percent excise tax imposed by *RCW 82.44.020, as amended by chapter 332, Laws of 1977 ex. sess. All funds reimbursed to the motor vehicle fund as provided herein shall be distributed to the state for expenditure pursuant to RCW 46.68.130.

[1986 c 66 § 11; 1977 ex.s. c 360 § 7.]

NOTES:

*Reviser's note: RCW 82.44.020 was repealed by 2000 1st sp.s. c 1 § 2.

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.630 Bonds legal investment for public funds.

The bonds authorized in RCW 47.60.560 through 47.60.640 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1977 ex.s. c 360 § 8.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.640 Bonds--Equal charge against revenues from motor vehicle and special fuel excise taxes.

Bonds issued under authority of RCW 47.60.560 through 47.60.640 and any subsequent general obligation bonds of the state of Washington which may be authorized and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

[1977 ex.s. c 360 § 9.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.645 Passenger ferry account.

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels.

Moneys in the account shall be expended with legislative appropriation.

[1995 2nd sp.s. c 14 § 558.]

Notes:

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

RCW 47.60.649 Passenger-only ferry service--Finding.

The legislature finds and declares that there is a compelling need for the construction of additional state ferry vessels and corresponding terminal improvements in order to provide more capacity and frequent service to meet the forecasted travel demands of citizens traveling on Puget Sound ferry routes. The vessel technology required must provide additional travel options for high growth ferry routes through increased passenger-only ferry service.

The 1989 west corridor study evaluated cross-sound travel through the year 2020 and identified the Southworth to Seattle and the Kingston to Seattle passenger-only ferry routes as promising based on criteria evaluating cost-effectiveness, time savings, physical constraints to operation, nonduplication of current service, and ability to relieve congestion.

Furthermore, as a result of legislative direction provided in the 1991-93 transportation budget to the state transportation commission to evaluate and determine the location of new passenger-only ferry routes, the commission reviewed several service alternatives, determined that the Southworth to Seattle and Kingston to Seattle routes ranked highest, and directed the Washington state ferries to proceed with the design and permitting processes for passenger-only terminals at both Southworth and Kingston.

[1998 c 166 § 1.]

RCW 47.60.652 Passenger-only ferry service--Vessel and terminal acquisition, procurement, and construction.

The department is authorized to proceed with the acquisition, procurement, and construction of a maximum of four passenger-only vessels that respond to the service demands of state ferry service on the Southworth to Seattle and Kingston to Seattle ferry routes, including the terminal and docking facilities necessary to accommodate such service. The acquisition, procurement, and construction of vessels and terminals authorized herein shall be undertaken in accordance with the authority provided in RCW 47.56.030.

[1998 c 166 § 2.]

RCW 47.60.654 Passenger-only ferry service--Contingency.

The department's authority to proceed with the acquisition, procurement, and construction of vessels and terminals authorized under RCW 47.60.652 is contingent on a legislative appropriation approving that authority: PROVIDED, That the appropriation does not

reduce the current level of funding for the maintenance and repair of vessels and terminals in service as of June 11, 1998.

[1998 c 166 § 3.]

Notes:

Reviser's note: Cf. 1998 c 346 § 913.

RCW 47.60.680 Prequalification of contractors required.

No contract for the construction, improvement, or repair of a ferry, ferry terminal, or other facility operated by the Washington state ferries or for the repair, overhaul, or the dry-docking of any ferry operated by Washington state ferries may be awarded to any contractor who has not first been prequalified to perform the work by the department of transportation. No bid or proposal for such a contract may be received from any contractor who has not first been prequalified to perform the work by the department of transportation.

[1983 c 133 § 1.]

RCW 47.60.690 Qualifications of contractor--Rules to assure.

The secretary of transportation shall adopt rules prescribing standards and criteria to assure that each ferry system construction and repair contract described in RCW 47.60.680 shall be awarded to a competent and responsible contractor who has all of the following qualifications:

- (1) Adequate financial resources, which may take into account the ability of the contractor to secure such resources;
- (2) The necessary organization, personnel, equipment, facilities, experience, and technical qualification[s] to perform ferry system construction and repair contracts generally and with respect to any specific contract such additional special qualifications as may be necessary to perform the contract;
- (3) The ability to comply with the department's performance schedules taking into account the outstanding work on all of the contractor's construction and repair contracts;
- (4) A satisfactory record of performing previous contracts;
- (5) A satisfactory record of integrity, judgment, and skills; and
- (6) Such other qualifications as the secretary may prescribe to assure that prequalified contractors are competent and responsible.

[1983 c 133 § 2.]

RCW 47.60.700 Application for prequalification--Form.

Any contractor desiring to submit bids or proposals for ferry system construction or repair contracts as described in RCW 47.60.680 shall file an application for prequalification with the department. The application shall be on a standard form supplied by the department. The form shall require a complete statement of the applicant's financial ability, including a statement

of the applicant's current net assets and working capital. The form shall require such additional information as may be necessary for the department to determine whether or not the applicant is entitled to be prequalified in accordance with RCW 47.60.680 through 47.60.760 and the rules adopted thereunder.

[1983 c 133 § 3.]

RCW 47.60.710 Department authority to obtain information.

Upon request by the department an applicant for prequalification shall authorize the department to obtain any information pertinent to the application, including information relating to the applicant's net worth, assets, and liabilities, from banks or other financial institutions, surety companies, and material and equipment suppliers.

[1983 c 133 § 4.]

RCW 47.60.720 Additional investigation--Terms of prequalification--Notice of nonqualification.

Upon receipt of an application by a contractor for prequalification to perform ferry system construction and repair contracts, the department shall conduct such additional investigation as it deems necessary. If it finds that the applicant is qualified in accordance with the rules as adopted by the secretary, the department shall prequalify the contractor to perform the contracts for a period of one year. The prequalification shall fix the aggregate dollar amount of work, including any contract let by the department, that the contractor may have under contract and uncompleted at any one time and may limit the contractor to the submission of bids or proposals upon a certain class of work. Subject to any restrictions on the dollar amount or class of work specified thereunder, the prequalification shall authorize a contractor to bid or submit proposals on all ferry system construction and repair contracts mentioned in RCW 47.60.680 except contracts requiring special prequalification. If the department determines that an applicant is not entitled to prequalification, it shall give written notice of the determination to the applicant.

[1983 c 133 § 5.]

RCW 47.60.730 Renewal of prequalification--Nonrenewal or revocation, notice.

A contractor may apply annually for renewal of its prequalification by submission of a new or supplemental questionnaire and financial statement on standard forms provided by the department. Based upon information received at the time of renewal or at any other time the department may amend the prequalification of the contractor as to the dollar amount or class of work that the contractor may perform or may refuse to renew the prequalification or may revoke a prequalification previously approved, all in accordance with the same standards and criteria used for considering an original application for prequalification. The department shall give

written notice of any such action to the contractor.

[1983 c 133 § 6.]

RCW 47.60.740 Rejection of bid despite prequalification--Unqualified bidder.

If the department finds, after the opening of bids, that facts exist that would disqualify the lowest bidder, or that the lowest bidder is not competent or responsible in accordance with the standards and criteria for prequalifying contractors, the department shall reject the bid despite the prior prequalification of the bidder. No contract may be awarded to a bidder not qualified to bid on it at the time fixed for receiving bids.

[1983 c 133 § 7.]

RCW 47.60.750 Appeal of refusal, modification, or revocation of prequalification.

The action of the department in refusing, modifying, or revoking the prequalification of any contractor under RCW 47.60.680 through 47.60.740 is conclusive unless an appeal is filed with the Thurston county superior court within ten days after receiving written notice of the refusal, modification, or revocation. The appeal shall be heard summarily within twenty days after the appeal is taken and on five days notice thereof to the department. The court shall hear any such appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department was arbitrary or capricious.

[1983 c 133 § 8.]

RCW 47.60.760 Financial information regarding qualifying not public.

The department of transportation shall not be required to make available for public inspection and copying financial information supplied by any person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750.

[1983 c 133 § 9.]

RCW 47.60.770 Jumbo ferry construction--Notice.

Whenever the department is authorized to construct one or more new jumbo ferry vessels under this chapter, it shall publish a notice of its intent once a week for at least two consecutive weeks in at least one trade paper and one other paper, both of general circulation in the state. The notice shall contain, but not be limited to, the following information:

(1) The number of jumbo ferry vessels to be constructed and the proposed delivery date for each vessel;

(2) A short summary of the requirements for prequalification of bidders including a

statement that prequalification is a prerequisite to consideration by the department of any bid, and a statement that the bidder shall submit its bid for the vessel in compliance with the plans and specifications supplied by the state; and

(3) An address and telephone number that may be used to obtain the bid package.

[1993 c 493 § 1.]

Notes:

Effective date--1993 c 493: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 18, 1993]." [1993 c 493 § 8.]

RCW 47.60.772 Jumbo ferry construction--Bidding documents.

The department shall send to any firm that requests it bidding documents specifying the criteria for the jumbo ferry vessels. The bid documents shall include, but not be limited to, the following information:

(1) Solicitation of a bid to deliver to the department vessels that are constructed as specified by the plans and specifications provided by the department;

(2) A requirement that bids submitted should include one bid for the construction of three vessels;

(3) The proposed delivery date for each vessel, the port on Puget Sound where delivery will be taken, and the location where acceptance sea trials will be held;

(4) The amount and form of required contract security under RCW 39.08.100;

(5) A copy of the vessel construction contract that will be signed by the successful bidder;

(6) The date by which bids for ferry vessel construction must be received by the department in order to be considered;

(7) A requirement that the contractor comply with all applicable laws, rules, and regulations including, but not limited to those pertaining to the environment, worker health and safety, and prevailing wages;

(8) A requirement that the vessels be constructed within the boundaries of the state of Washington except that equipment furnished by the state and components, products, and systems that are standard manufactured items are not subject to the in-state requirement under this subsection. For the purposes of this section, "constructed" means: The fabrication, by the joining together by welding or fastening of all steel parts from which the total vessel is constructed, including, but not limited to, all shell frames, longitudinals, bulkheads, webs, piping runs, wire ways, and ducting. "Constructed" also means the installation of all components and systems, including, but not limited to, equipment and machinery, castings, electrical, electronics, deck covering, lining, paint and joiner work, required by the contract. "Constructed" also means the interconnection of all equipment, machinery, and services, such as piping, wiring, and ducting;

(9) A requirement that all warranty work on the vessel be performed within the boundaries of the state of Washington, insofar as practicable;

(10) A statement that any bid submitted constitutes an offer and remains open until ninety

days after the deadline for submitting bids, unless the firm submitting it withdraws it by formal written notice that is received by the department before the date and time specified for opening of the bids, together with an explanation of the requirement that all bids submitted be accompanied by a bid deposit in the amount of five percent of the bid amount; and

(11) A listing of all equipment to be furnished by the state.

[1993 c 493 § 2.]

Notes:

Effective date--1993 c 493: See note following RCW 47.60.770.

RCW 47.60.774 Jumbo ferry construction--Procedure on conclusion of evaluation.

(1) Upon concluding its evaluation, the department may:

(a) Select the firm submitting the lowest responsible bid for the construction of new jumbo ferries, taking into consideration the requirements stated in the bid documents and rank the remaining firms, judging them by the same standards;

(b) Reject all bids not in compliance with the requirements contained in the bid documents;

(c) Reject all bids.

(2) The department shall immediately notify those firms that were not selected as the firm presenting the lowest responsible bid. The department's selection is conclusive unless appeal from it is taken by an aggrieved firm to the superior court of Thurston county within five days after receiving notice of the department's final decision. The appeal shall be heard summarily within ten days after it is taken and on five days' notice to the department. The court shall hear any appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department was arbitrary or capricious.

[1993 c 493 § 4.]

Notes:

Effective date--1993 c 493: See note following RCW 47.60.770.

RCW 47.60.776 Jumbo ferry construction--Contract.

(1) Upon selecting the firm that has submitted the lowest responsible bid for the construction of new jumbo ferries, and ranking the remaining firms in order of preference, the department shall:

(a) Sign a contract with the firm presenting the lowest responsible bid; or

(b) If a final agreement satisfactory to the department cannot be signed with the firm presenting the lowest responsible bid, the department may sign a contract with the firm ranked next lowest bidder. If necessary, the department may repeat this procedure with each firm in order until the list of firms has been exhausted, or reject all bids.

(2) In developing a contract for the construction of ferry vessels, the department may, subject to the provisions of *RCW 39.25.020, authorize the use of foreign-made materials and components, products, and systems that are standard manufactured items in the construction of

ferries in order to minimize costs.

[1993 c 493 § 5.]

Notes:

*Reviser's note: RCW 39.25.020 was repealed by 1994 c 138 § 2.

Effective date--1993 c 493: See note following RCW 47.60.770.

RCW 47.60.778 Jumbo ferry construction--Bid deposits--Low bidder claiming error.

Bids submitted by firms under this section constitute an offer and shall remain open for ninety days. When submitted, each bid shall be accompanied by a deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the bid amount, and no bid may be considered unless the deposit is enclosed. If the department awards a contract to a firm and the firm fails to enter into a contract or fails to furnish a satisfactory contract security as required by RCW 39.08.100, its deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the Puget Sound capital construction account. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Upon the execution of a ferry construction contract for the construction of new jumbo ferries, all bid deposits shall be returned.

[1996 c 18 § 9; 1993 c 493 § 6.]

Notes:

Effective date--1993 c 493: See note following RCW 47.60.770.

RCW 47.60.780 Jumbo ferry construction--Propulsion system acquisition.

(1) The department may enter into a contract for the acquisition of the propulsion system, or any component of it, including diesel engines and spare parts, for installation into one or more of the three Jumbo Class Mark II ferry vessels authorized under this chapter. This authorization does not limit the department from obtaining and installing the propulsion system, or any component of it, as incidental to the overall vessel construction contract authorized under RCW 47.60.770 through 47.60.778, nor from proceeding to complete an existing contract for acquisition of the propulsion system or any component of it.

(2) Acquisition of a propulsion system, or any component of it, for the Jumbo Class Mark II ferries by the department under this section is exempt from chapter 43.19 RCW.

(3) Whenever the department decides to enter into an acquisition contract under this section it shall publish a notice of its intent to negotiate such a contract once a week for at least two consecutive weeks in one trade newspaper and one other newspaper, both of general circulation in the state. The notice must contain, but is not limited to, the following information:

(a) The identity of the propulsion system or components to be acquired and the proposed delivery dates for the propulsion system or components;

(b) An address and telephone number that may be used to obtain the request for proposal.

(4) The department shall send to any firm that requests it, a request for proposal outlining the design and construction requirements for the propulsion system, including any desired components. The request for proposal must include, but is not limited to, the following

information:

(a) The proposed delivery date for each propulsion system or desired component and the location where delivery will be taken;

(b) The form and formula for contract security;

(c) A copy of the proposed contract;

(d) The date by which proposals must be received by the department in order to be considered; and

(e) A statement that any proposal submitted constitutes an offer and must remain open until ninety days after the deadline for submitting proposals, together with an explanation of the requirement that all proposals submitted must be accompanied by a deposit in the amount of five percent of the proposed cost.

(5) The department shall evaluate all timely proposals received for: (a) Compliance with the requirements specified in the request for proposal; and (b) suitability of each firm's proposal by applying appropriate criteria to be developed by the department: (i) To assess the ability of the firm to expeditiously and satisfactorily perform and (ii) to accomplish an acquisition that is most advantageous to the department. A portion of the technical requirements addressed in the request for proposal shall include, but is not limited to, user verifications of manufacturer's reliability claims; the quality of engine maintenance documentation; and engine compatibility with ship design.

(6) The criteria to select the most advantageous diesel engine under subsection (5)(b)(ii) shall consist of life-cycle cost factors weighted at forty-five percent; and operational factors weighted as follows: Reliability at twenty percent, maintainability at twenty percent, and engine performance at fifteen percent. For purposes of this subsection, the life-cycle cost factors shall consist of the costs for engine acquisition and warranty, spare parts acquisition and inventory, fuel efficiency and lubricating oil consumption, and commonality. The fuel efficiency and lubricating oil consumption life-cycle cost factors shall receive not less than twenty percent of the total evaluation weighting and shall be evaluated under a format similar to that employed in the 1992 M.V. Tyee engine replacement contract. The reliability factors shall consist of the length of service and reliability record in comparable uses, and mean time between overhauls. The mean time between overhauls evaluation shall be based upon the manufacturer's required hours between change of wear components. The maintainability factors shall consist of spare parts availability, the usual time anticipated to perform typical repair functions, and the quality of factory training programs for ferry system maintenance staff. The performance factors shall consist of load change responsiveness, and air quality of exhaust and engine room emissions.

(7) Upon concluding its evaluation, the department shall:

(a) Select the firm presenting the proposal most advantageous to the department, taking into consideration compliance with the requirements stated in the request for proposal, and the criteria developed by the department, and rank the remaining firms in order of preference, judging them by the same standards; or

(b) Reject all proposals as not in compliance with the requirements contained in the request for proposals.

(8) The department shall immediately notify those firms that were not selected as the firm

presenting the most advantageous proposal of the department's decision. The department's decision is conclusive unless an aggrieved firm appeals the decision to the superior court of Thurston county within five days after receiving notice of the department's final decision. The appeal shall be heard summarily within ten days after it is taken and on five days' notice to the department. The court shall hear the appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department is arbitrary or capricious.

(9) Upon selecting the firm that has presented the most advantageous proposal and ranking the remaining firms in order of preference, the department shall:

(a) Negotiate a contract with the firm presenting the most advantageous proposal; or

(b) If a final agreement satisfactory to the department cannot be negotiated with the firm presenting the most advantageous proposal, the department may then negotiate with the firm ranked next highest in order of preference. If necessary, the department may repeat this procedure and negotiate with each firm in order of rank until the list of firms has been exhausted.

(10) Proposals submitted by firms under this section constitute an offer and must remain open for ninety days. When submitted, each proposal must be accompanied by a deposit in cash, certified check, cashier's check, or surety bond in the amount equal to five percent of the amount of the proposed contract price, and the department may not consider a proposal that has no deposit enclosed with it. If the department awards a contract to a firm under the procedure set forth in this section and the firm fails to enter into the contract and furnish the required contract security within twenty days, exclusive of the day of the award, its deposit shall be forfeited to the state and deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a contract all proposal deposits shall be returned.

[1994 c 181 § 2.]

Notes:

Finding and intent--1994 c 181: "The legislature finds and declares that:

A 1991 legislative study, conducted by Booz. Allen, Hamilton and M. Rosenblatt and Son, examining the Washington state ferries' management of its vessel refurbishment and construction program, resulted in recommendations for improvements and changes in the vessel refurbishment and construction program. These legislatively adopted recommendations encourage and support input by Washington state ferries' engineers in the development of refurbishment and new construction project requirements.

The recommendations of the Booz. Allen study have been applied to the construction of the Jumbo Class Mark II ferries through the appointment of a Jumbo Class Mark II steering committee comprised of current state ferry engineers responsible for the design, operation, and maintenance of state ferry vessels.

The steering committee, in carrying out the recommendations of the Booz. Allen study, has determined that the procedure for the procurement of equipment, parts, and supplies for the Jumbo Class Mark II ferry vessels authorized by RCW 47.60.770 through 47.60.778, must take into consideration, in addition to life-cycle cost criteria, criteria that are essential to the operation of a public mass transportation system responsive to the needs of Washington state ferries' users, and that assess the reliability, maintainability, and performance of equipment, parts, and supplies to be installed in the Jumbo Mark II ferries.

The construction of the new Jumbo Class Mark II ferry vessels authorized by RCW 47.60.770 through 47.60.778 is critical to the welfare of the state and any delay in the immediate construction of the ferries will result in severe hardship and economic loss to the state and its citizens. Recognizing these findings, it is the intent of the legislature that the vessel construction should not be delayed further because of the acquisition of a propulsion

system, or any component of it, for the ferries, and to authorize the department of transportation to acquire all components of a complete propulsion system as soon as possible so that planned construction of the Jumbo Class Mark II ferry vessels can proceed immediately.

The purpose of this chapter is to authorize the use, by the department, of supplemental, alternative contracting procedures for the procurement of a propulsion system, and the components thereof, for the Jumbo Class Mark II ferries; and to prescribe appropriate requirements and criteria to ensure that contracting procedures for such procurement serve the public interest." [1994 c 181 § 1.]

Effective date--1994 c 181: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1994]." [1994 c 181 § 4.]

RCW 47.60.800 General obligation bonds--1992 issue--Purpose--Issuance and sale.

In order to provide funds necessary for vessel and terminal acquisition, construction, and major and minor improvements, including long lead time materials acquisition for the Washington state ferries, there shall be issued and sold upon the request of the Washington state transportation commission and legislative appropriation a total of two hundred ten million dollars of general obligation bonds of the state of Washington.

[1992 c 158 § 1.]

RCW 47.60.802 Bonds--1992 issue--Supervision of sale by state finance committee--Option of short-term obligations.

(1) Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.60.800 through 47.60.808 in accordance with chapter 39.42 RCW. The bonds may be sold from time to time in such amounts as may be necessary for the purposes under RCW 47.60.800. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

[1992 c 158 § 2.]

RCW 47.60.804 Bonds--1992 issue--Use of proceeds.

The proceeds from the sale of bonds authorized by RCW 47.60.800 through 47.60.808 shall be deposited in the Puget Sound capital construction account of the motor vehicle fund and such proceeds shall be available only for the purposes under RCW 47.60.800, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

[1992 c 158 § 3.]

RCW 47.60.806 Bonds--1992 issue--Payment of principal and interest from pledged excise taxes.

Bonds issued under the authority of RCW 47.60.800 through 47.60.808 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest shall be first payable in the manner provided in RCW 47.60.800 through 47.60.808 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and distributed to the state pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.60.800 through 47.60.808, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.60.800 through 47.60.808.

[1995 c 274 § 19; 1992 c 158 § 4.]

RCW 47.60.808 Bonds--1992 issue--Payment from ferry bond retirement fund.

Both principal and interest on the bonds issued for the purposes of RCW 47.60.800 through 47.60.808 shall be payable from the ferry bond retirement fund authorized in RCW 47.60.600. Whenever, pursuant to RCW 47.60.800 and 47.60.806, the state treasurer transfers funds from the motor vehicle fund to the ferry bond retirement fund, the state treasurer may at the same time reimburse the motor vehicle fund in an identical amount from the Puget Sound capital construction account.

[1992 c 158 § 5.]

RCW 47.60.810 Design-build ferries--Authorized--Phases defined.

(1) The department may purchase new auto ferries through use of a modified request for proposals process whereby the prevailing shipbuilder and the department engage in a design and build partnership for the design and construction of the auto ferries. The process consists of the three phases described in subsection (2) of this section.

(2) The definitions in this subsection apply throughout RCW 47.60.812 through 47.60.822.

(a) "Phase one" means the evaluation and selection of proposers to participate in development of technical proposals in phase two.

(b) "Phase two" means the preparation of technical proposals by the selected proposers in consultation with the department.

(c) "Phase three" means the submittal and evaluation of bids, the award of the contract to the successful proposer, and the design and construction of the auto ferries.

[2001 c 226 § 4.]

NOTES:

Findings--Purpose--2001 c 226: See note following RCW 47.20.780.

RCW 47.60.812 Design-build ferries--Notice of request for proposals.

To commence the request for proposals process, the department shall publish a notice of its intent once a week for at least two consecutive weeks in at least one trade paper and one other paper, both of general circulation in the state. The notice must contain, but is not limited to, the following information:

(1) The number of auto ferries to be procured, the auto and passenger capacities, the delivery dates, and the estimated price range for the contract;

(2) A statement that a modified request for proposals design and build partnership will be used in the procurement process;

(3) A short summary of the requirements for prequalification of proposers including a statement that prequalification is a prerequisite to submittal of a proposal in phase one; and

(4) An address and telephone number that may be used to obtain a prequalification questionnaire and the request for proposals.

[2001 c 226 § 5.]

NOTES:

Findings--Purpose--2001 c 226: See note following RCW 47.20.780.

RCW 47.60.814 Design-build ferries--Issuance of request for proposals.

Subject to legislative appropriation for the procurement of vessels, the department shall issue a request for proposals to interested parties that must include, at least, the following:

(1) Solicitation of a proposal to participate in a design and build partnership with the department to design and construct the auto ferries;

(2) Instructions on the prequalification process and procedures;

(3) A description of the modified request for proposals process. Under this process, the department may modify any component of the request for proposals, including the outline specifications, by addendum at any time before the submittal of bids in phase three;

(4) A description of the design and build partnership process to be used for procurement of the vessels;

(5) Outline specifications that provide the requirements for the vessels including, but not limited to, items such as length, beam, displacement, speed, propulsion requirements, capacities for autos and passengers, passenger space characteristics, and crew size. The department will

produce notional line drawings depicting hull geometry that will interface with Washington state ferries terminal facilities. Notional lines may be modified in phase two, subject to approval by the department;

(6) Instructions for the development of technical proposals in phase two, and information regarding confidentiality of technical proposals;

(7) The vessel delivery schedule, identification of the port on Puget Sound where delivery must take place, and the location where acceptance trials must be held;

(8) The estimated price range for the contract;

(9) The form and amount of the required bid deposit and contract security;

(10) A copy of the contract that will be signed by the successful proposer;

(11) The date by which proposals in phase one must be received by the department in order to be considered;

(12) A description of information to be submitted in the proposals in phase one concerning each proposer's qualifications, capabilities, and experience;

(13) A statement of the maximum number of proposers that may be selected in phase one for development of technical proposals in phase two;

(14) Criteria that will be used for the phase one selection of proposers to participate in the phase two development of technical proposals;

(15) A description of the process that will be used for the phase three submittal and evaluation of bids, award of the contract, and postaward administrative activities;

(16) A requirement that the contractor comply with all applicable laws, rules, and regulations including but not limited to those pertaining to the environment, worker health and safety, and prevailing wages;

(17) A requirement that the vessels be constructed within the boundaries of the state of Washington except that equipment furnished by the state and components, products, and systems that are standard manufactured items are not subject to the in-state requirement under this subsection. For the purposes of this subsection, "constructed" means the fabrication, by the joining together by welding or fastening of all steel parts from which the total vessel is constructed, including, but not limited to, all shell frames, longitudinals, bulkheads, webs, piping runs, wire ways, and ducting. "Constructed" also means the installation of all components and systems, including, but not limited to, equipment and machinery, castings, electrical, electronics, deck covering, lining, paint, and joiner work required by the contract. "Constructed" also means the interconnection of all equipment, machinery, and services, such as piping, wiring, and ducting; and

(18) A requirement that all warranty work on the vessel must be performed within the boundaries of the state of Washington, insofar as practical.

[2001 c 226 § 6.]

NOTES:

Findings--Purpose--2001 c 226: See note following RCW 47.20.780.

RCW 47.60.816 Design-build ferries--Phase one.

Phase one of the request for proposals process consists of evaluation and selection of prequalified proposers to participate in subsequent development of technical proposals in phase two, as follows:

(1) The department shall issue a request for proposals to interested parties.

(2) The request for proposals must require that each proposer prequalify for the contract under chapter 468-310 WAC, except that the department may adopt rules for the financial prequalification of proposers for this specific contract only. The department shall modify the financial prequalification rules in chapter 468-310 WAC in order to maximize competition among financially capable and otherwise qualified proposers. In adopting these rules, the department shall consider factors including, without limitation: (a) Shipyard resources in Washington state; (b) the cost to design and construct multiple vessels under a single contract without options; and (c) the sequenced delivery schedule for the vessels.

(3) The department may use some, or all, of the nonfinancial prequalification factors as part of the evaluation factors in phase one to enable the department to select a limited number of best qualified proposers to participate in development of technical proposals in phase two.

(4) The department shall evaluate submitted proposals in accordance with the selection criteria established in the request for proposals. Selection criteria may include, but are not limited to, the following:

- (a) Shipyard facilities;
- (b) Organization components;
- (c) Design capability;
- (d) Build strategy;
- (e) Experience and past performance;
- (f) Ability to meet vessel delivery dates;
- (g) Projected workload; and
- (h) Expertise of project team and other key personnel.

(5) Upon concluding its evaluation of proposals, the department shall select the best qualified proposers in accordance with the request for proposals. The selected proposers must participate in development of technical proposals. Selection must be made in accordance with the selection criteria stated in the request for proposals. All proposers must be ranked in order of preference as derived from the same selection criteria.

[2001 c 226 § 7.]

NOTES:

Findings--Purpose--2001 c 226: See note following RCW 47.20.780.

RCW 47.60.818 Design-build ferries--Phase two.

Phase two of the request for proposals process consists of preparation of technical proposals in consultation with the department, as follows:

(1) The development of technical proposals in compliance with the detailed instructions provided in the request for proposals, including the outline specifications, and any addenda to them. Technical proposals must include the following:

(a) Design and specifications sufficient to fully depict the ferries' characteristics and identify installed equipment;

(b) Drawings showing arrangements of equipment and details necessary for the proposer to develop a firm, fixed price bid;

(c) Project schedule including vessel delivery dates; and

(d) Other appropriate items.

(2) The department shall conduct periodic reviews with each of the selected proposers to consider and critique their designs, drawings, and specifications. These reviews must be held to ensure that technical proposals meet the department's requirements and are responsive to the critiques conducted by the department during the development of technical proposals.

(3) If, as a result of the periodic technical reviews or otherwise, the department determines that it is in the best interests of the department to modify any element of the request for proposals, including the outline specifications, it shall do so by written addenda to the request for proposals.

(4) Proposers must submit final technical proposals for approval that include design, drawings, and specifications at a sufficient level of detail to fully depict the ferries' characteristics and identify installed equipment, and to enable a proposer to deliver a firm, fixed price bid to the department. The department shall reject final technical proposals that modify, fail to conform to, or are not fully responsive to and in compliance with the requirements of the request for proposals, including the outline specifications, as amended by addenda.

[2001 c 226 § 8.]

NOTES:

Findings--Purpose--2001 c 226: See note following RCW 47.20.780.

RCW 47.60.820 Design-build ferries--Phase three.

Phase three consists of the submittal and evaluation of bids and the award of the contract to the successful proposer for the final design and construction of the auto ferries, as follows:

(1) The department shall request bids for detailed design and construction of the vessels after completion of the review of technical proposals in phase two. The department will review detailed design drawings in phase three for conformity with the technical proposals submitted in phase two. In no case may the department's review replace the builder's responsibility to deliver a product meeting the phase two technical proposal. The department may only consider bids from selected proposers that have qualified to bid by submitting technical proposals that have been approved by the department.

(2) Each qualified proposer must submit its total bid price for all vessels, including certification that the bid is based upon its approved technical proposal and the request for proposals.

(3) Bids constitute an offer and remain open for ninety days from the date of the bid opening. A deposit in cash, certified check, cashier's check, or surety bond in an amount specified in the request for proposals must accompany each bid and no bid may be considered unless the deposit is enclosed.

(4) The department shall evaluate the submitted bids. Upon completing the bid evaluation, the department may select the responsive and responsible proposer that offers the lowest total bid price for all vessels.

(5) The department may waive informalities in the proposal and bid process, accept a bid from the lowest responsive and responsible proposer, reject any or all bids, republish, and revise or cancel the request for proposals to serve the best interests of the department.

(6) The department may:

(a) Award the contract to the proposer that has been selected as the responsive and responsible proposer that has submitted the lowest total bid price;

(b) If a contract cannot be signed with the apparent successful proposer, award the contract to the next lowest responsive and responsible proposer; or

(c) If necessary, repeat this procedure with each responsive and responsible proposer in order of rank until the list of those proposers has been exhausted.

(7) If the department awards a contract to a proposer under this section, and the proposer fails to enter into the contract and furnish satisfactory contract security as required by chapter 39.08 RCW within twenty days from the date of award, its deposit is forfeited to the state and will be deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a ferry design and construction contract all proposal deposits will be returned.

(8) The department may provide an honorarium to reimburse each unsuccessful phase three proposer for a portion of its technical proposal preparation costs at a preset, fixed amount to be specified in the request for proposals. If the department rejects all bids, the department may provide the honoraria to all phase three proposers that submitted bids.

[2001 c 226 § 9.]

NOTES:

Findings--Purpose--2001 c 226: See note following RCW 47.20.780.

RCW 47.60.822 Design-build ferries--Notice to proposers not selected--Appeal.

(1) The department shall immediately notify those proposers that are not selected to participate in development of technical proposals in phase one and those proposers who submit unsuccessful bids in phase three.

(2) The department's decision is conclusive unless an aggrieved proposer files an appeal with the superior court of Thurston county within five days after receiving notice of the department's award decision. The court shall hear any such appeal on the department's administrative record for the project. The court may affirm the decision of the department, or it may reverse or remand the administrative decision if it determines the action of the department was arbitrary and capricious.

[2001 c 226 § 10.]

NOTES:

Findings--Purpose--2001 c 226: See note following RCW 47.20.780.

Chapter 47.61 RCW
ACQUISITION OF NEW FERRY VESSELS UNDER URBAN MASS
TRANSPORTATION ACT OF 1964

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RCW 47.61.010 Authority to enter into agreement and apply for financial assistance.

Recognizing that the Washington state ferries system is an integral part of the state highway system, the department is authorized to enter into an agreement with the administrator of the housing and home finance agency and to make application for a grant for financial assistance for the acquisition by construction or purchase of new vessels pursuant to the provisions of the Urban Mass Transportation Act of 1964.

[1984 c 7 § 338; 1965 ex.s. c 56 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.61.020 Bonds for matching funds--Issuance and sale.

In order to provide necessary state matching funds as required by the Urban Mass Transportation Act of 1964, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eleven million dollars, or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of this chapter until the administrator of the housing and home finance agency has approved a grant to the Washington state highway commission of not less than fifty percent of the cost of acquisition of vessels referred to in RCW 47.61.010. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said

project.

[1965 ex.s. c 56 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.61.030 Term of bonds--Terms and conditions.

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the time of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein.

[1965 ex.s. c 56 § 3.]

RCW 47.61.040 Bonds--Signatures--Registration--Where payable--Negotiable instruments.

The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1965 ex.s. c 56 § 4.]

RCW 47.61.050 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund.

[1965 ex.s. c 56 § 5.]

RCW 47.61.060 Proceeds of bonds--Deposit and use.

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition by construction or purchase of new ferry vessels and for the payment of all expense incurred in the drafting, printing, issuance, and sale of any such bonds.

[1965 ex.s. c 56 § 6.]

RCW 47.61.070 Statement describing nature of bond obligation--Pledge of excise taxes.

Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this chapter from the proceeds of state excise taxes on motor vehicle fuels imposed by chapters 82.36 and *82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this chapter.

[1965 ex.s. c 56 § 7.]

Notes:

***Reviser's note:** Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33, effective January 1, 1972.

RCW 47.61.080 Bonds to reflect terms and conditions of grant agreement.

Bonds issued under the provisions of RCW 47.61.020 shall fully reflect the terms and conditions of the grant agreement to be executed pursuant to the provisions of RCW 47.61.010.

[1965 ex.s. c 56 § 8.]

RCW 47.61.090 Designation of funds to repay bonds and interest.

Funds required to repay the bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of the funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on the bonds.

[1984 c 7 § 339; 1965 ex.s. c 56 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.61.100 Bond repayment procedure--Highway bond retirement fund.

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this chapter when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1965 ex.s. c 56 § 10.]

RCW 47.61.110 Sums in excess of bond retirement requirements--Use.

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1965 ex.s. c 56 § 11.]

Chapter 47.64 RCW

MARINE EMPLOYEES--PUBLIC EMPLOYMENT RELATIONS

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RCW 47.64.005 Declaration of policy.

The state of Washington, as a public policy, declares that sound labor relations are essential to the development of a ferry and bridge system which will best serve the interests of the people of the state.

[1961 c 13 § 47.64.005. Prior: 1949 c 148 § 1; Rem. Supp. 1949 § 6524-22.]

RCW 47.64.006 Public policy.

The legislature declares that it is the public policy of the state of Washington to: (1) Provide continuous operation of the Washington state ferry system at reasonable cost to users; (2) efficiently provide levels of ferry service consistent with trends and forecasts of ferry usage; (3) promote harmonious and cooperative relationships between the ferry system and its employees by permitting ferry employees to organize and bargain collectively; (4) protect the citizens of this state by assuring effective and orderly operation of the ferry system in providing for their health, safety, and welfare; (5) prohibit and prevent all strikes or work stoppages by ferry employees; (6) protect the rights of ferry employees with respect to employee organizations; and (7) promote just and fair compensation, benefits, and working conditions for ferry system employees as compared with public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia in directly comparable but not necessarily identical positions.

[1989 c 327 § 1; 1983 c 15 § 1.]

RCW 47.64.011 Definitions.

As used in this chapter, unless the context otherwise requires, the definitions in this section shall apply.

(1) "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

(2) "Arbitrator" means either a single arbitrator or a panel of three arbitrators as provided in RCW 47.64.240.

(3) "Collective bargaining representative" means the persons designated by the secretary of transportation and employee organizations to be the exclusive representatives during collective bargaining negotiations.

(4) "Department of transportation" means the department as defined in RCW 47.01.021.

(5) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

(6) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.

(7) "Ferry system management" means those management personnel of the marine transportation division of the department of transportation who have been vested with the day-to-day management responsibilities of the Washington state ferry system by the transportation commission and who are not members of a collective bargaining unit represented by a ferry employee organization.

(8) "Lockout" means the refusal of ferry system management to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage, as defined in subsection (11) of this section, shall not be considered a lockout.

(9) "Marine employees' commission" means the commission created in RCW 47.64.280.

(10) "Office of financial management" means the office as created in RCW 43.41.050.

(11) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her wilful absence from his or her position, or his or her stoppage or slowdown of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike for the purposes of this chapter.

(12) "Transportation commission" means the commission as defined in RCW 47.01.021.

[1983 c 15 § 2.]

RCW 47.64.060 Federal social security--State employees' retirement.

All employees engaged in the operation of ferries acquired by the department shall remain subject to the federal social security act and shall be under the state employees' retirement act. The department shall make such deductions from salaries of employees and contributions from revenues of the department as shall be necessary to qualify the employees for benefits under the federal social security act. The appropriate officials are authorized to contract with the secretary of health, education and welfare to effect the coverage.

[1984 c 7 § 340; 1961 c 13 § 47.64.060. Prior: 1957 c 271 § 7; 1951 c 82 § 2; 1949 c 148 § 5; Rem. Supp. 1949 § 6524-26.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.64.070 Employees subject to industrial insurance laws.

Employees, except the masters and members of the crews of vessels, shall be subject to and entitled to the benefits of the industrial insurance laws of the state, and are hereby declared to be in extrahazardous employment within the meaning of such laws.

[1961 c 13 § 47.64.070. Prior: 1951 c 259 § 2; 1949 c 148 § 6; Rem. Supp. 1949 § 6524-27.]

RCW 47.64.080 Employee seniority rights.

Employees employed at the time of the acquisition of any ferry or ferry system by the department have seniority rights to the position they occupy aboard the ferries or ferry system. In the event of curtailment of ferry operations for any reason, employees shall be relieved of service on the basis of their duration of employment in any ferry or ferry system acquired by the department.

[1984 c 7 § 341; 1961 c 13 § 47.64.080. Prior: 1949 c 148 § 7; Rem. Supp. 1949 § 6524-28.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.64.090 Other party operating ferry by rent, lease, or charter.

If any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the marine employees' commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

[1983 c 15 § 27; 1961 c 13 § 47.64.090. Prior: 1949 c 148 § 8; Rem. Supp. 1949 § 6524-29.]

Notes:

Severability--1983 c 15: See RCW 47.64.910.

RCW 47.64.120 Scope of negotiations--Interest on retroactive compensation increases.

(1) Ferry system management and ferry system employee organizations, through their collective bargaining representatives, shall meet at reasonable times, to negotiate in good faith with respect to wages, hours, working conditions, insurance, and health care benefits as limited by RCW 47.64.270, and other matters mutually agreed upon. Employer funded retirement benefits shall be provided under the public employees retirement system under chapter 41.40 RCW and shall not be included in the scope of collective bargaining.

(2) Upon ratification of bargaining agreements, ferry employees are entitled to an amount equivalent to the interest earned on retroactive compensation increases. For purposes of this section, the interest earned on retroactive compensation increases is the same monthly rate of interest that was earned on the amount of the compensation increases while held in the state treasury. The interest will be computed for each employee until the date the retroactive compensation is paid, and must be allocated in accordance with appropriation authority. The interest earned on retroactive compensation is not considered part of the ongoing compensation obligation of the state and is not compensation earnable for the purposes of chapter 41.40 RCW. Negotiations shall also include grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties.

[1997 c 436 § 1; 1983 c 15 § 3.]

RCW 47.64.130 Unfair labor practices for employer, employee organization.

(1) It is an unfair labor practice for ferry system management or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules made by the commission pursuant to RCW 47.64.280, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160: PROVIDED, That nothing prohibits ferry system management from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter: PROVIDED, That this paragraph does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, when it is the representative of its employees subject to RCW 47.64.170.

(3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

[1983 c 15 § 4.]

RCW 47.64.140 Strikes, work stoppages, and lockouts prohibited.

(1) It is unlawful for any ferry system employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike or work stoppage against the ferry system.

(2) It is unlawful for ferry system management to authorize, consent to, or condone a strike or work stoppage; or to conduct a lockout; or to pay or agree to pay any ferry system employee for any day in which the employee participates in a strike or work stoppage; or to pay or agree to pay any increase in compensation or benefits to any ferry system employee in response to or as a result of any strike or work stoppage or any act that violates subsection (1) of this section. It is unlawful for any official, director, or representative of the ferry system to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection prevents new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time. No collective bargaining agreement provision regarding suspension or modification of any court-ordered penalty provided in this section is binding on the courts.

(3) In the event of any violation or imminently threatened violation of subsection (1) or (2) of this section, any citizen domiciled within the jurisdictional boundaries of the state may petition the superior court for Thurston county for an injunction restraining the violation or imminently threatened violation. Rules of civil procedure regarding injunctions apply to the action. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him or her; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public

interest. Failure to comply with any temporary or permanent injunction granted under this section is a contempt of court as provided in chapter 7.21 RCW. The court may impose a penalty of up to ten thousand dollars for an employee organization or the ferry system, for each day during which the failure to comply continues. The sanctions for a ferry employee found to be in contempt shall be as provided in chapter 7.21 RCW. An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(4) The right of ferry system employees to engage in strike or work slowdown or stoppage is not granted and nothing in this chapter may be construed to grant such a right.

(5) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(6) In addition to the remedies and penalties provided by this section the successful litigant is entitled to recover reasonable attorney fees and costs incurred in the litigation.

(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department of transportation shall promulgate rules and regulations allowing vessels, as defined in *RCW 88.04.300, as well as other watercraft, to engage in emergency passenger service on the waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules and regulations shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules and regulations that are promulgated shall give due consideration to the needs and the health, safety, and welfare of the people of the state of Washington.

[1989 c 373 § 25; 1983 c 15 § 5.]

Notes:

***Reviser's note:** RCW 88.04.300 was repealed by 1989 c 295 § 16. For later enactment, see RCW 88.04.015.

Severability--1989 c 373: See RCW 7.21.900.

RCW 47.64.150 Grievance procedures.

An agreement with a ferry employee organization that is the exclusive representative of ferry employees in an appropriate unit may provide procedures for the consideration of ferry employee grievances and of disputes over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of ferry employee grievances and of disputes over the interpretation and application of existing agreements. An arbitrator's decision on a grievance shall not change or amend the terms, conditions, or applications of the collective bargaining agreement. The procedures shall provide for the invoking of arbitration only with the approval of the employee organization. The costs of arbitrators shall be shared equally by the parties.

Ferry system employees shall follow either the grievance procedures provided in a collective bargaining agreement, or if no such procedures are so provided, shall submit the grievances to the marine employees' commission as provided in RCW 47.64.280.

[1983 c 15 § 6.]

RCW 47.64.160 Union security provisions.

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

[1983 c 15 § 7.]

RCW 47.64.170 Collective bargaining procedures.

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the secretary of transportation may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of ferry system management or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties. Any meeting of the transportation commission, during which a collective bargaining agreement is subject to ratification, shall be open to the public.

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with a member of the transportation commission if the commission has appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative, unless the member of the commission is the designated bargaining representative of the ferry system.

(6) The negotiation of a proposed collective bargaining agreement by representatives of ferry system management and a ferry employee organization shall commence in each odd-numbered year immediately following adoption by the legislature and approval by the governor of the biennial budget.

(7) Until a new collective bargaining agreement is negotiated, or until an award is made by the arbitrator, the terms and conditions of the previous collective bargaining agreement shall remain in force. The wage and benefit provisions of any collective bargaining agreement, or arbitrator's award in lieu thereof, that is concluded after July 1st of an odd-numbered year shall be retroactive to July 1st. It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical.

(8) Any ferry union contract terminating before July 1, 1983, shall, with the agreement of the parties, remain in effect until a contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. The contract may be retroactive to the expiration date of the prior contract, and the cost to the department of three months retroactive compensation and benefits for this 1983 contract negotiation only shall not be included in calculating the limitation imposed by RCW 47.64.180. If the parties cannot agree to contract extension, any increase agreed to for the three-month period shall be included in calculating the limit imposed by RCW 47.64.180.

(9) Any ferry union contract which would terminate after July 1, 1983, may, by agreement of the parties, be terminated as of July 1, 1983, and a new contract concluded pursuant to RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating after July 1, 1983, is subject to this chapter only upon its expiration and shall not be renewed for a period beyond July 1, 1985.

[1983 c 15 § 8.]

RCW 47.64.180 Agreements and awards limited by appropriation.

(1) No collective bargaining agreement or arbitrator's award is valid or enforceable if its implementation would be inconsistent with any statutory limitation on the department of transportation's funds, spending, or budget. The department of transportation shall, in good faith, exercise its administrative discretion with full public participation as required by *RCW 47.60.330, subject only to legislative limitations and conditions, to implement the terms of any collective bargaining agreement or arbitrator's award.

(2) In no event may the transportation commission or the department of transportation authorize an increase in tolls after the enactment of the budget that is in excess of the Seattle consumer price index for the preceding twelve months for the purpose of providing revenue to fund a collective bargaining agreement or arbitrator's award. The commission or the department may increase tolls after the first fiscal year of the biennium by the amount that the Seattle consumer price index increased after the previous toll increase. This subsection shall not be construed to prevent increases due to items that are not labor-related and that are beyond the direct control of the department.

[1983 c 15 § 9.]

Notes:

***Reviser's note:** The reference in 1983 c 15 § 9 to "section 25 of this act" has been translated to "RCW 47.60.330." A literal translation of the session law reference would have been "RCW 47.60.326," which appears to be erroneous. A floor amendment to Substitute Senate Bill No. 3108 added a new section 24 to the bill and directed that internal references be corrected accordingly. The correction was not made in the preparation of Engrossed Substitute Senate Bill No. 3108, but has been made in codification.

RCW 47.64.190 Marine employees' commission review for compliance with fiscal limitations--Effective date of agreements and arbitration orders.

(1) No negotiated agreement or arbitration order may become effective and in force until five calendar days after an agreement has been negotiated or an arbitration order entered for each and every ferry employee bargaining unit.

(2) Upon the conclusion of negotiations or arbitration procedures with all ferry employee bargaining units, the secretary shall ascertain whether the cumulative fiscal requirements of all such agreements and arbitration orders are within the limitations imposed by RCW 47.64.180.

(3) If the secretary finds that budgetary or fare restrictions will be exceeded, he shall, within five calendar days of completion of negotiations or arbitration with the last bargaining unit to conclude an agreement, submit all agreements and arbitration awards to the marine employees' commission for a binding determination whether the limitations of RCW 47.64.180 have been exceeded.

(4) The marine employees' commission shall review all negotiated agreements and arbitration orders, and may take written or oral testimony from the parties, regarding compliance with RCW 47.64.180. Within fifteen calendar days of receiving the secretary's request for review, the commission shall determine by a majority vote of its members whether or not the cumulative effect of all such agreements and orders exceeds the limitations of RCW 47.64.180.

(5) If the marine employees' commission determines that the limitations of RCW 47.64.180 would be exceeded if all agreements and arbitration orders were given full force and effect, it shall order the minimum percentage reduction in straight time wage provisions applied equally across the board to all agreements or arbitration orders which will result in compliance with RCW 47.64.180.

(6) Whenever the secretary requests a determination by the marine employees' commission pursuant to this section, the effect of all agreements and arbitration orders shall be stayed, pending the commission's final determination.

[1983 c 15 § 10.]

RCW 47.64.200 Impasse procedures.

As the first step in the performance of their duty to bargain, ferry system management and the employee organization shall endeavor to agree upon impasse procedures. The agreement shall provide for implementation of these impasse procedures not later than July 1st in each odd-numbered year following enactment of the biennial budget. If the parties fail to agree upon impasse procedures under this section, the impasse procedures provided in RCW 47.64.210 through 47.64.230 apply. It is unlawful for either party to refuse to participate in the impasse procedures provided in RCW 47.64.210 through 47.64.230.

[1983 c 15 § 11.]

RCW 47.64.210 Mediation.

In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures by August 1st in each odd-numbered year, the marine employees' commission shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator pursuant to RCW 47.64.280. It is the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator shall not compel the parties to agree.

[1983 c 15 § 12.]

RCW 47.64.220 Salary survey, fact-finding.

(1) Prior to collective bargaining, the marine employees' commission shall conduct a salary survey. The results of the survey shall be published in a report which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved. Such survey report shall be for the purpose of disclosing generally prevailing levels of compensation, benefits, and conditions of employment. It shall be used to guide generally but not to define or limit collective bargaining between the parties. The commission shall make such other findings of fact as the parties may request during bargaining or impasse.

(2) Except as provided in subsection (3) of this section, salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.17 RCW.

(3) A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data upon which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.

[1999 c 256 § 1; 1989 c 327 § 2; 1983 c 15 § 13.]

Notes:

Retroactive application--1999 c 256 § 1: "Section 1, chapter 256, Laws of 1999 is a clarification of existing law and applies retroactively." [1999 c 256 § 3.]

RCW 47.64.230 Waiver of mediation and fact-finding.

By mutual agreement, the parties may waive mediation and fact-finding, as provided for

in RCW 47.64.210 and 47.64.220, and proceed with binding arbitration as provided for in RCW 47.64.240. The waiver shall be in writing and be signed by the representatives of the parties.

[1983 c 15 § 14.]

RCW 47.64.240 Binding arbitration.

(1) If impasse persists fourteen days after the mediator has been appointed, or beyond any other date mutually agreed to by the parties, all impasse items shall be submitted to arbitration pursuant to this section, and that arbitration shall be binding upon the parties.

(2) Each party shall submit to the other within four days of request, a final offer on the impasse items with proof of service of a copy upon the other party. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by the panel of arbitrators.

As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection (5) of this section. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute.

(3) The submission of the impasse items to the arbitrators shall be limited to those issues upon which the parties have not reached agreement. With respect to each such item, the arbitration panel award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board on each impasse item.

(4) The panel of arbitrators shall consist of three members appointed in the following manner:

- (a) One member shall be appointed by the secretary of transportation;
- (b) One member shall be appointed by the ferry employee organization;
- (c) One member shall be appointed mutually by the members appointed by the secretary of transportation and the employee organization. The last member appointed shall be the chairman of the panel of arbitrators. No member appointed may be an employee of the parties;

(d) Ferry system management and the employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel shall be shared equally by each party.

(5) If the third member has not been selected within four days of notification as provided in subsection (2) of this section, a list of seven arbitrators shall be submitted to the parties by the marine employees' commission. The two arbitrators selected by ferry system management and the ferry employee organization shall determine by lot which arbitrator shall remove the first name from the list submitted by the marine employees' commission. The second arbitrator and the first arbitrator shall alternately remove one additional name until only one name remains. The person whose name remains shall become the chairman of the panel of arbitrators and shall call a meeting within thirty days, or at such time mutually agreed to by the parties, at a location designated by him or her. In lieu of a list of seven nominees for the third member being

submitted by the marine employees' commission, the parties may mutually agree to have either the Federal Mediation and Conciliation Service or the American Arbitration Association submit a list of seven nominees.

(6) If a vacancy occurs on the panel of arbitrators, the selection for replacement of that member shall be in the same manner and within the same time limits as the original member was chosen. No final award under subsection (3) of this section may be made by the panel until three arbitrators have been chosen.

(7) The panel of arbitrators shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

(8) From the time of appointment until such time as the panel of arbitrators makes its final determination, there shall be no discussion concerning recommendations for settlement of the dispute by the members of the panel of arbitrators with parties other than those who are direct parties to the dispute. The panel of arbitrators may conduct formal or informal hearings to discuss offers submitted by both parties.

(9) The panel of arbitrators shall consider, in addition to any other relevant factors, the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

(c) The interests and welfare of the public, the ability of the ferry system to finance economic adjustments, and the effect of the adjustments on the normal standard of services;

(d) The right of the legislature to appropriate and to limit funds for the conduct of the ferry system; and

(e) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature.

(10) The chairman of the panel of arbitrators may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairman of the panel of arbitrators may petition the superior court in Thurston county, or any county in which any hearing is held, to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

(11) A majority of the panel of arbitrators shall within thirty days after its first meeting select the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties.

(12) The selections by the panel of arbitrators and items agreed upon by the ferry system management and the employee organization shall be deemed to be the collective bargaining agreement between the parties.

(13) The determination of the panel of arbitrators shall be by majority vote and shall be

final and binding, subject to RCW 47.64.180 and 47.64.190. The panel of arbitrators shall give written explanation for its selection and inform the parties of its decision.

[1989 c 327 § 3; 1983 c 15 § 15.]

RCW 47.64.250 Legal actions.

(1) Any ferry employee organization and the department of transportation may sue or be sued as an entity under this chapter. Service upon any party shall be in accordance with law or the rules of civil procedure. Nothing in this chapter may be construed to make any individual or his assets liable for any judgment against the department of transportation or a ferry employee organization if the individual was acting in his official capacity.

(2) Any legal action by any ferry employee organization or the department of transportation under this chapter shall be filed in Thurston county superior court within ten days of when the cause of action arose. The court shall consider those actions on a priority basis and determine the merits of the actions within thirty days of filing.

[1983 c 15 § 16.]

RCW 47.64.260 Notice and service.

Any notice required under this chapter shall be in writing, but service thereof is sufficient if mailed by certified mail, return receipt requested, addressed to the last known address of the parties, or sent by electronic facsimile transmission with transaction report verification and same-day United States postal service mailing of copies or service as specified in Title 316 WAC, unless otherwise provided in this chapter. Refusal of certified mail by any party shall be considered service. Prescribed time periods commence from the date of the receipt of the notice. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

[2001 c 19 § 1; 1983 c 15 § 17.]

RCW 47.64.270 Insurance and health care.

Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW; and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient

to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

[1995 1st sp.s. c 6 § 6; 1993 c 492 § 224; 1988 c 107 § 21; 1987 c 78 § 2; 1983 c 15 § 18.]

Notes:

Effective date--1995 1st sp.s. c 6: See note following RCW 28A.400.410.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Implementation--Effective dates--1988 c 107: See RCW 41.05.901.

Intent--1987 c 78: "The legislature finds that the provisions of RCW 47.64.270 have been subject to misinterpretation. The objective of this act is to clarify the intent of RCW 47.64.270 as originally enacted." [1987 c 78 § 1.]

Effective date--1987 c 78: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 c 78 § 3.]

RCW 47.64.280 Marine employees' commission.

(1) There is created the marine employees' commission. The governor shall appoint the commission with the consent of the senate. The commission shall consist of three members: One member to be appointed from labor, one member from industry, and one member from the public who has significant knowledge of maritime affairs. The public member shall be chairman of the commission. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members are eligible for reappointment. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Members of the commission shall be compensated in accordance with RCW 43.03.250 and shall receive reimbursement for official travel and other expenses at the same rate and on the same terms as provided for the transportation commission by RCW 47.01.061. The payments shall be made from the Puget Sound ferry operations account.

(2) The marine employees' commission shall: (a) Adjust all complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system as provided in RCW 47.64.150; (b) provide for impasse mediation as required in RCW 47.64.210; (c) conduct fact-finding and provide salary surveys as required in RCW 47.64.220; and (d) provide for the selection of an impartial arbitrator as required in RCW 47.64.240(5).

(3) In adjudicating all complaints, grievances, and disputes, the party claiming labor disputes shall, in writing, notify the marine employees' commission, which shall make careful inquiry into the cause thereof and issue an order advising the ferry employee, or the ferry employee organization representing him or her, and the department of transportation, as to the decision of the commission.

The parties are entitled to offer evidence relating to disputes at all hearings conducted by the commission. The orders and awards of the commission are final and binding upon any ferry employee or employees or their representative affected thereby and upon the department.

The commission shall adopt rules of procedure under chapter 34.05 RCW.

The commission has the authority to subpoena any ferry employee or employees, or their representatives, and any member or representative of the department, and any witnesses. The commission may require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission are enforceable by order of any superior court in the state of Washington for the county within which the proceeding may be pending. The commission may hire staff as necessary, appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out this chapter.

[1984 c 287 § 95; 1983 c 15 § 19.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.
Compensation of class four groups: RCW 43.03.250.

RCW 47.64.290 Toll bridge employees subject to civil service.

Notwithstanding any other provisions of this chapter, toll bridge employees of the marine transportation division are subject to chapter 41.06 RCW.

[1984 c 48 § 2.]

RCW 47.64.900 Section captions not part of law--1983 c 15.

Section captions used in this act constitute no part of the law.

[1983 c 15 § 29.]

RCW 47.64.910 Severability--1983 c 15.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1983 c 15 § 30.]

**Chapter 47.66 RCW
MULTIMODAL TRANSPORTATION PROGRAMS**

Sections

| | |
|-----------|--|
| 47.66.010 | Legislative declaration. |
| 47.66.030 | Transportation improvement board--Authority--Expenses. |
| 47.66.040 | Selection process--Local matching funds. |

47.66.070 Multimodal transportation account.
47.66.900 Effective date--1993 c 393.

RCW 47.66.010 Legislative declaration.

There is significant state interest in assuring that viable multimodal transportation programs are available throughout the state. The legislature recognizes the need to create a mechanism to fund multimodal transportation programs and projects. The legislature further recognizes the complexities associated with current funding mechanisms and seeks to create a process that would allow for all transportation programs and projects to compete for limited resources.

[1993 c 393 § 3.]

RCW 47.66.030 Transportation improvement board--Authority--Expenses.

(1)(a) The transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account; public transportation systems account; and the intermodal surface transportation and efficiency act of 1991, surface transportation program, state-wide competitive.

(b) The board may establish subcommittees as well as technical advisory committees to carry out the mandates of this chapter.

(2) Expenses of the board, including administrative expenses for managing the program, shall be paid in accordance with RCW 47.26.140.

[1996 c 49 § 3; 1995 c 269 § 2604; 1993 c 393 § 5.]

NOTES:

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 47.66.040 Selection process--Local matching funds.

(1) The transportation improvement board shall select programs and projects based on a competitive process consistent with the mandates governing each account or source of funds. The competition shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the board in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by this board, and safety and security issues.

(3) The board shall determine the appropriate level of local match required for each program and project based on the source of funds.

[1995 c 269 § 2606; 1993 c 393 § 6.]

NOTES:

Effective date--1995 c 269: See note following RCW 9.94A.850.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 47.66.070 Multimodal transportation account.

The multimodal transportation account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for transportation purposes.

[2000 2nd sp.s. c 4 § 2.]

Notes:

Effective date--2000 2nd sp.s. c 4 §§ 1-3, 20: See note following RCW 82.08.020.

RCW 47.66.900 Effective date--1993 c 393.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993].

[1993 c 393 § 10.]

**Chapter 47.68 RCW
AERONAUTICS**

(Formerly: Chapter 14.04 RCW, Aeronautics commission)

Sections

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| 47.68.015 | Change of meaning, certain terms. |
| 47.68.020 | Definitions. |
| 47.68.060 | Offices. |
| 47.68.070 | General powers. |
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| 47.68.310 | Enforcement of aeronautics laws. |
| 47.68.320 | Service of orders--Hearings--Review. |
| 47.68.330 | Exchange of data, reports of violations, etc. |
| 47.68.340 | Hazardous structures and obstacles--Marking--Hearing to determine hazard. |
| 47.68.350 | Hazardous structures and obstacles--Reporting location--Subpoenas. |
| 47.68.360 | Hazardous structures and obstacles--Exemption of structures required by federal law to be marked. |
| 47.68.380 | Search and rescue. |
| 47.68.900 | Severability--1947 c 165. |

Notes:

Recycling at airports: RCW 70.93.095.

RCW 47.68.010 Statement of policy.

It is hereby declared that the purpose of this chapter is to further the public interest and aeronautical progress by providing for the protection and promotion of safety in aeronautics; by cooperating in effecting uniformity of the laws and regulations relating to the development and regulation of aeronautics in the several states consistent with federal aeronautics laws and regulations; by granting to a state agency such powers and imposing upon it such duties that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property within such jurisdiction, assist in the development of a state-wide system of airports, cooperate with and assist the municipalities of this state and others engaged in aeronautics, and encourage and develop aeronautics; by establishing only such regulations as are essential in order that persons engaged in aeronautics of every character may

so engage with the least possible restriction, consistent with the safety and the rights of others; and by providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state.

[1947 c 165 § 2; Rem. Supp. 1947 § 10964-82. Formerly RCW 14.04.010.]

RCW 47.68.015 Change of meaning, certain terms.

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in any provision in the Revised Code of Washington the term "Washington state aeronautics commission", "the state aeronautics commission", "the aeronautics commission of the state", "the aeronautics commission", or "the commission" (when referring to the Washington state aeronautics commission) is used, it shall mean the department of transportation created in RCW 47.01.031.

Wherever in any provision in the Revised Code of Washington the term "state director of aeronautics", "director of aeronautics", or "director" (when referring to the state director of aeronautics) is used, it shall mean the secretary of transportation whose office is created in RCW 47.01.041.

[1977 ex.s. c 151 § 22.]

RCW 47.68.020 Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Aeronautics" means the science and art of flight and including but not limited to transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

(2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

(3) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

(4) "Department" means the state department of transportation.

(5) "Secretary" means the state secretary of transportation.

(6) "State" or "this state" means the state of Washington.

(7) "Air navigation facility" means any facility, other than one owned or operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other

instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(8) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.

(9) "Airman or airwoman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, airframes, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher or air-traffic control tower operator; but does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, airframes, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the person.

(10) "Aeronautics instructor" means any individual who for hire or reward engages in giving instruction or offering to give instruction in flying or ground subjects pertaining to aeronautics, but excludes any instructor in a public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work, who instructs in flying or ground subjects pertaining to aeronautics, while in the performance of his or her duties at such school, university, or institution.

(11) "Air school" means any person who advertises, represents, or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics whether for or without hire or reward; but excludes any public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work.

(12) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(13) "Municipal" means pertaining to a municipality, and "municipality" means any county, city, town, authority, district, or other political subdivision or public corporation of this state.

(14) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(15) "State airway" means a route in the navigable airspace over and above the lands or waters of this state, designated by the department as a route suitable for air navigation.

[1993 c 208 § 4; 1984 c 7 § 342; 1947 c 165 § 1; Rem. Supp. 1947 § 10964-81. Formerly RCW 14.04.020.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.060 Offices.

Suitable offices and office equipment shall be provided by the state for the aeronautics division of the department of transportation in a city in the state that it may designate, and the department may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this chapter.

[1984 c 7 § 343; 1947 c 165 § 6; Rem. Supp. 1947 § 10964-86. Formerly RCW 14.04.060.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.070 General powers.

The department has general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and to encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the department in the development of aeronautics and aeronautical facilities in this state.

[1984 c 7 § 344; 1947 c 165 § 7; Rem. Supp. 1947 § 10964-87. Formerly RCW 14.04.070.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.080 Drafts of legislation, other duties.

The department may draft and recommend necessary legislation to advance the interests of the state in aeronautics, represent the state in aeronautical matters before federal agencies and other state agencies, and participate as party plaintiff or defendant or as intervener on behalf of the state or any municipality or citizen thereof in any controversy which involves the interest of the state in aeronautics.

[1984 c 7 § 345; 1947 c 165 § 8; 1945 c 252 § 5; Rem. Supp. 1947 § 10964-88. Formerly RCW 14.04.080.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.090 Aid to municipalities, Indian tribes--Federal aid.

The department of transportation may make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

The department may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly in the planning, acquisition, construction,

improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, or to any Indian tribe recognized as such by the federal government or such tribes acting jointly in the planning, acquisition, construction, improvement, maintenance or operation of an airport, owned or controlled, or to be owned or controlled by such tribe or tribes and to be held available for the general use of the public, out of appropriations made by the legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes: PROVIDED, That no grant or loan or both shall be in excess of two hundred fifty thousand dollars for any one project: PROVIDED FURTHER, That no grant or loan or both shall be granted unless the municipality or municipalities acting jointly, or the tribe or tribes acting jointly shall from their own funds match any funds made available by the department upon such ratio as the department may prescribe.

The department is authorized to act as agent of any municipality or municipalities acting jointly or any tribe or tribes acting jointly, upon the request of such municipality or municipalities, or such tribe or tribes in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of an airport or air navigation facility; and if requested by such municipality or municipalities, or tribe or tribes, may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipalities and tribes are authorized to designate the department as their agent for the foregoing purposes. The department, as principal on behalf of the state, and any municipality on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available: PROVIDED, That any landing fee or charge imposed by any Indian tribe or tribes for the privilege of use of an airport facility planned, acquired, constructed, improved, maintained, or operated with financial assistance from the department pursuant to this section must apply equally to tribal and nontribal members: PROVIDED FURTHER, That in the event any municipality or municipalities or Indian tribe or tribes, or any distributor of aircraft fuel as defined by RCW 82.42.020 which operates in any airport facility which has received financial assistance pursuant to this section, fails to collect the aircraft fuel excise tax as specified in chapter 82.42 RCW, all funds or value of technical assistance given or paid to such municipality or municipalities or Indian tribe or tribes under the provisions of this section shall revert to the department, and shall be due and payable to the department immediately.

[1980 c 67 § 1; 1975 1st ex.s. c 161 § 1; 1947 c 165 § 9; Rem. Supp. 1947 § 10964-89. Formerly RCW 14.04.090.]

Notes:

Distributor of aircraft fuel defined: RCW 82.42.010(7).

RCW 47.68.100 Acquisition and disposal of airports, facilities, etc.

The department is authorized on behalf of and in the name of the state, out of appropriations and other moneys made available for such purposes, to plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports, air navigation facilities, and air markers and/or air marking systems, either within or without the state, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. For such purposes the department may by purchase, gift, devise, lease, condemnation, or otherwise, acquire property, real or personal, or any interest therein, including easements or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, marking, or lighting of obstructions or airport hazards, or to prevent the establishment of airport hazards. In like manner the department may acquire existing airports and air navigation facilities. However, it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality. The department may by sale, lease, or otherwise, dispose of any property, airport, air navigation facility, or portion thereof or interest therein. The disposal by sale, lease, or otherwise shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposals to any municipality or state government or the United States for aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the department deems in the best interest of the state. The department may exercise any powers granted by this section jointly with any municipalities, agencies, or departments of the state government, with other states or their municipalities, or with the United States.

[1984 c 7 § 346; 1947 c 165 § 10; Rem. Supp. 1947 § 10964-90. Formerly RCW 14.04.100.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.110 Zoning powers not interfered with.

Nothing contained in this chapter shall be construed to limit any right, power or authority of the state or a municipality to regulate airport hazards by zoning.

[1947 c 165 § 11; Rem. Supp. 1947 § 10964-91. Formerly RCW 14.04.110.]

Notes:

Planning commissions: Chapter 35.63 RCW.

RCW 47.68.120 Condemnation, how exercised.

In the condemnation of property authorized by this chapter, the department shall proceed in the name of the state in the manner that property is acquired by the department for public uses.

[1984 c 7 § 347; 1947 c 165 § 12; Rem. Supp. 1947 § 10964-92. Formerly RCW 14.04.120.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Acquisition of highway property: Chapter 47.12 RCW.

Eminent domain by state: Chapter 8.04 RCW.

RCW 47.68.130 Contracts or leases of facilities in operating airports.

In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements for a term not exceeding twenty-five years with any persons. The department may grant the privilege of using or improving the airport or air navigation facility or any portion or facility thereof or space therein for commercial purposes, confer the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or make available services to be furnished by the department or its agents at the airport or air navigation facility. In each case the department may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the cost of operation to the state. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion or facility thereof.

[1984 c 7 § 348; 1947 c 165 § 13; Rem. Supp. 1947 § 10964-93. Formerly RCW 14.04.130.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.140 Lease of airports.

The department may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed twenty-five years the privilege of operating, as agent of the state or otherwise, any airport owned or controlled by the state: PROVIDED, That no such person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the department might not have undertaken under RCW 47.68.130.

[1983 c 3 § 141; 1947 c 165 § 14; Rem. Supp. 1947 § 10964-94. Formerly RCW 14.04.140.]

RCW 47.68.150 Lien for state's charges.

To enforce the payment of any charges for repairs to, improvements, storage, or care of any personal property made or furnished by the department or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state shall have liens on such property, which shall be enforceable by the department as provided by law.

[1984 c 7 § 349; 1947 c 165 § 15; Rem. Supp. 1947 § 10964-95. Formerly RCW 14.04.150.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.160 Acceptance of federal moneys.

The department is authorized to accept, receive, receipt for, disburse, and expend federal moneys, and other moneys public or private, made available to accomplish, in whole or in part, any of the purposes of this section. All federal moneys accepted under this section shall be accepted and expended by the department upon such terms and conditions as are prescribed by the United States. In accepting federal moneys under this section, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department under RCW 47.68.090 with respect to federal moneys accepted on behalf of municipalities. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purpose of which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

[1983 c 3 § 142; 1947 c 165 § 16; 1945 c 252 § 7; Rem. Supp. 1947 § 10964-96. Formerly RCW 14.04.160.]

RCW 47.68.170 State airways system.

The department may designate, design, and establish, expand, or modify a state airways system that will best serve the interest of the state. It may chart the airways system and arrange for publication and distribution of such maps, charts, notices, and bulletins relating to the airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, if the facilities conform to federal safety standards.

[1984 c 7 § 350; 1947 c 165 § 17; Rem. Supp. 1947 § 10964-97. Formerly RCW 14.04.170.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.180 Execution of necessary contracts.

The department may enter into any contracts necessary to the execution of the powers

granted it by this chapter. All contracts made by the department, either as the agent of the state or as the agent of any municipality, shall be made pursuant to the laws of the state governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal moneys, the department as agent of the state or of any municipality, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder.

[1984 c 7 § 351; 1947 c 165 § 18; Rem. Supp. 1947 § 10964-98. Formerly RCW 14.04.180.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.185 Establishment of procedures required by conditions of federal transfers of facilities.

The department is authorized to establish the necessary accounts or administrative procedures required by conditions attached to transfers of airport facilities from the federal government to the state of Washington.

[1984 c 7 § 352; 1963 c 73 § 1. Formerly RCW 14.04.185.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.190 Exclusive grants prohibited.

The department shall not grant any exclusive right for the use of any landing area or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this chapter.

[1984 c 7 § 353; 1947 c 165 § 19; Rem. Supp. 1947 § 10964-99. Formerly RCW 14.04.190.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.200 Exercise of powers, public and governmental purpose.

The acquisition of any lands or interest therein pursuant to this chapter, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any municipality or municipalities, and the exercise of any other powers herein granted to the department are public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the state in the manner and for the purposes enumerated in this chapter shall and are declared to be acquired and used for public and governmental purposes and as a matter of public

necessity.

[1984 c 7 § 354; 1947 c 165 § 20; Rem. Supp. 1947 § 10964-100. Formerly RCW 14.04.200.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.210 Rules--Standards.

The department of transportation may perform such acts, issue and amend such orders, make, promulgate, and amend such reasonable general rules, and procedures, and establish such minimum standards, consistent with the provisions of this chapter, as it shall deem necessary to perform its duties hereunder; all commensurate with and for the purpose of protecting and insuring the general public interest and safety, the safety of persons operating, using or traveling in aircraft or persons receiving instruction in flying or ground subjects pertaining to aeronautics, and the safety of persons and property on land or water, and developing and promoting aeronautics in this state. No rule of the department shall apply to airports or air navigation facilities owned or operated by the United States.

The department shall keep on file with the code reviser, and at the principal office of the department, a copy of all its rules for public inspection.

The department shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect.

[1982 c 35 § 198; 1947 c 165 § 21; Rem. Supp. 1947 § 10964-101. Formerly RCW 14.04.210.]

Notes:

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.
Notice of meetings: Chapter 42.30 RCW.

RCW 47.68.220 Operating aircraft recklessly or under influence of intoxicants or drugs.

It shall be unlawful for any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air or on the ground or water, in a careless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless may consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

[1947 c 165 § 22; Rem. Supp. 1947 § 10964-102. Formerly RCW 14.04.220.]

RCW 47.68.230 Aircraft, airman, and airwoman certificates required.

It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit

or license issued by the United States, if such certificate, permit or license is required by the United States, and a current registration certificate issued by the secretary of transportation, if registration of the aircraft with the department of transportation is required by this chapter. It shall be unlawful for any person to engage in aeronautics as an airman or airwoman in the state unless the person has an appropriate effective airman or airwoman certificate, permit, rating or license issued by the United States authorizing him or her to engage in the particular class of aeronautics in which he or she is engaged, if such certificate, permit, rating or license is required by the United States and a current airman's or airwoman's registration certificate issued by the department of transportation as required by RCW 47.68.233 or 47.68.234.

Where a certificate, permit, rating or license is required for an airman or airwoman by the United States or by RCW 47.68.233 or 47.68.234, it shall be kept in his or her personal possession when he or she is operating within the state. Where a certificate, permit or license is required by the United States or by this chapter for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official or employee of the department of transportation authorized pursuant to this chapter to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

[1993 c 208 § 5; 1987 c 220 § 1; 1979 c 158 § 205; 1967 ex.s. c 68 § 2; 1967 ex.s. c 9 § 7; 1949 c 49 § 11; 1947 c 165 § 23; Rem. Supp. 1949 § 10964-103. Formerly RCW 14.04.230.]

RCW 47.68.233 Registration of pilots--Certificates--Fees--Exemptions--Use of fees.

The department shall require that every pilot who is a resident of this state and every nonresident pilot who regularly operates any aircraft in this state be registered with the department. The department shall charge an annual fee not to exceed ten dollars for each registration. All registration certificates issued under this section shall be renewed annually during the month of the registrant's birthdate.

The registration fee imposed by this section shall be used by the department for the purpose of (a) search and rescue of lost and downed aircraft and airmen under the direction and supervision of the secretary, (b) safety and education, and (c) volunteer recognition and support.

Registration shall be effected by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and in connection therewith shall prescribe requirements for the possession and exhibition of the certificates.

The provisions of this section do not apply to:

- (1) A pilot who operates an aircraft exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia;
- (2) A pilot registered under the laws of a foreign country;
- (3) A pilot engaged exclusively in commercial flying constituting an act of interstate or

foreign commerce;

(4) A person piloting an aircraft equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of the controls and the flight is solely for instruction or for the demonstration of the aircraft to a bona fide prospective purchaser.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident thereto.

[2000 c 176 § 1; 1987 c 220 § 2; 1984 c 7 § 355; 1983 c 3 § 143; 1967 c 207 § 2. Formerly RCW 14.04.233.]

Notes:

Severability--1987 c 220: See note following RCW 47.68.230.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.234 Registration of airman and airwoman.

The department shall require that every airman or airwoman that is not registered under RCW 47.68.233 and who is a resident of this state, or every nonresident airman or airwoman who is regularly performing duties as an airman or airwoman within this state, be registered with the department. The department shall charge an annual fee not to exceed ten dollars for each registration. A registration certificate issued under this section is to be renewed annually during the month of the registrant's birthdate.

The department shall use the registration fee imposed under this section for the purposes of: (1) Search and rescue of lost and downed aircraft and airmen or airwomen under the direction and supervision of the secretary; and (2) safety and education.

Registration is affected [effected] by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and, in connection with the certificates, shall provide requirements for the possession and exhibition of the certificates.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident to this section.

[1993 c 208 § 3.]

RCW 47.68.235 License or certificate suspension--Noncompliance with support order--Reissuance.

The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

[1997 c 58 § 859.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 47.68.236 Aircraft search and rescue, safety, and education account.

There is hereby created in the transportation fund of the state treasury an account to be known as the aircraft search and rescue, safety, and education account. All moneys received by the department under RCW 47.68.233 shall be deposited in such account.

[1995 c 170 § 4; 1991 sp.s. c 13 § 38; 1985 c 57 § 63; 1983 c 3 § 144; 1967 c 207 § 3. Formerly RCW 14.04.236.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 47.68.240 Penalties for violations.

Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished as provided under chapter 9A.20 RCW, except that any person violating any of the provisions of RCW 47.68.220, 47.68.230, or 47.68.255 shall be guilty of a gross misdemeanor which shall be punished as provided under chapter 9A.20 RCW. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, for violations of RCW 47.68.220 and 47.68.230, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

[2000 c 229 § 2; 1999 c 277 § 5; 1993 c 238 § 3; 1987 c 202 § 216; 1983 c 3 § 145; 1947 c 165 § 24; Rem. Supp. 1947 § 10964-104. Formerly RCW 14.04.240.]

Notes:

Effective date--2000 c 229: See note following RCW 46.16.010.

Intent--1987 c 202: See note following RCW 2.04.190.

RCW 47.68.250 Registration of aircraft.

Every aircraft shall be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of eight dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by

Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and shall be collected by the secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The secretary shall pay to the state treasurer the registration fees collected under this section, which registration fees shall be credited to the aeronautics account in the transportation fund.

It shall not be necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary shall issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft registered under the laws of a foreign country;

(3) An aircraft which is owned by a nonresident and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

(4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(5) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

(7) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

The secretary shall be notified within one week of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration or proof of intent to register an aircraft as a condition of leasing or selling tiedown or hangar space for an aircraft. The airport shall inform the lessee or purchaser of the tiedown or

hangar space of the state law requiring registration and direct the person to comply with the state law if the person has not already done so. The airport may lease or sell tiedown or hangar space to owners of nonregistered aircraft after presenting them with the appropriate state registration forms. It is then the responsibility of the lessee or purchaser to register the aircraft. The airport shall report to the department's aviation division at the end of each month, the names, addresses, and "N" numbers of those aircraft owners not yet registered.

[1999 c 302 § 2; 1998 c 188 § 1; 1995 c 170 § 3; 1993 c 208 § 7; 1987 c 220 § 3; 1979 c 158 § 206; 1967 ex.s. c 9 § 8; 1955 c 150 § 11; 1949 c 49 § 12; 1947 c 165 § 25; Rem. Supp. 1949 § 10964-105. Formerly RCW 14.04.250.]

Notes:

Severability--1987 c 220: See note following RCW 47.68.230.

Aircraft dealers: Chapter 14.20 RCW.

Definition of terms: RCW 14.20.010, 47.68.020.

RCW 47.68.255 Evasive registration.

A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed will be deposited in the manner provided under RCW 46.16.010(2).

[2000 c 229 § 3; 1999 c 277 § 6; 1996 c 184 § 3; 1993 c 238 § 2.]

Notes:

Effective date--2000 c 229: See note following RCW 46.16.010.

Effective date--1996 c 184: See note following RCW 46.16.010.

RCW 47.68.280 Investigations, hearings, etc.--Subpoenas--Compelling attendance.

The department or any officer or employee of the department designated by it has the power to hold investigations, inquiries, and hearings concerning matters covered by this chapter including accidents in aeronautics within this state. Hearings shall be open to the public and, except as hereinafter provided, shall be held upon such call or notice as the department deems advisable. The department and every officer or employee of the department designated by it to hold any inquiry, investigation, or hearing has the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance of witnesses and the production of papers, books and documents. In case of the failure of a person to comply with a subpoena or order issued under the authority of this section, the department or its authorized representatives may invoke the aid of a competent court of general jurisdiction. The court may thereupon order the person to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt thereof.

[1984 c 7 § 356; 1947 c 165 § 28; Rem. Supp. 1947 § 10964-108. Formerly RCW 14.04.280.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.290 Joint hearings--Cooperation.

The department may confer with or hold joint hearings with any agency of the United States in connection with any matter arising under this chapter or relating to the development of aeronautics.

The department may avail itself of the cooperation, services, records, and facilities of the agencies of the United States as fully as may be practicable in the administration and enforcement of this chapter, and shall furnish to the agencies of the United States such services, records, and facilities as are practicable.

The department shall report to the appropriate agency of the United States all accidents in aeronautics in this state of which it is informed, and shall in so far as is practicable preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

[1984 c 7 § 357; 1947 c 165 § 29; Rem. Supp. 1947 § 10964-109. Formerly RCW 14.04.290.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.300 State and municipal agencies to cooperate.

In carrying out this chapter the department may use the facilities and services of other agencies of the state and of the municipalities of the state to the utmost extent possible, and the agencies and municipalities are authorized and directed to make available their facilities and services.

[1984 c 7 § 358; 1947 c 165 § 30; Rem. Supp. 1947 § 10964-110. Formerly RCW 14.04.300.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.310 Enforcement of aeronautics laws.

It is the duty of the secretary, the department, the officers and employees of the department, and every state and municipal officer charged with the enforcement of state and municipal laws to enforce and assist in the enforcement of this chapter and of all other laws of this state relating to aeronautics. The secretary and those officers or employees of the department designated by the secretary in writing are granted police powers solely for the enforcement of state aeronautics laws and the rules having the effect of law.

[1984 c 7 § 359; 1955 c 204 § 1; 1947 c 165 § 31; Rem. Supp. 1947 § 10964-111. Formerly RCW 14.04.310.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.320 Service of orders--Hearings--Review.

Every order of the department requiring performance of certain acts or compliance with certain requirements and any denial or revocation of an approval, certificate, or license shall set forth the reasons and shall state the acts to be done or requirements to be met before approval by the department will be given or the approval, license, or certificate granted or restored, or the order modified or changed. Orders issued by the department under this chapter shall be served upon the persons affected either by certified mail or in person. In every case where notice and opportunity for a hearing are required under this chapter, the order of the department shall, on not less than ten days notice, specify a time when and place where the person affected may be heard, or the time within which the person may request a hearing, and the order shall become effective upon the expiration of the time for exercising the opportunity for a hearing, unless a hearing is held or requested within the time provided, in which case the order shall be suspended until the department affirms, disaffirms, or modifies the order after a hearing has been held or default by the person has been affected. To the extent practicable, hearings on the orders shall be in the county where the affected person resides or does business. Any person aggrieved by an order of the department or by the grant, denial, or revocation of an approval, license, or certificate may have the action of the department reviewed by the courts of this state under chapter 34.05 RCW.

[1984 c 7 § 360; 1947 c 165 § 32; Rem. Supp. 1947 § 10964-112. Formerly RCW 14.04.320.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.330 Exchange of data, reports of violations, etc.

The department is authorized to report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violation of RCW 47.68.220 and 47.68.230 and all penalties, of which it has knowledge, imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules, regulations, or orders of the department. The department is authorized to receive reports of penalties and other data from agencies of the federal government and other states and, when necessary, to enter into agreements with federal agencies and the agencies of other states governing the delivery, receipt, exchange, and use of reports and data. The department may make the reports and data of the federal agencies, the agencies of other states, and the courts of this state available, with or without request therefor, to any and all courts of this state.

[1983 c 3 § 146; 1947 c 165 § 33; Rem. Supp. 1947 § 10964-113. Formerly RCW 14.04.330.]

RCW 47.68.340 Hazardous structures and obstacles--Marking--Hearing to determine hazard.

A structure or obstacle that obstructs the air space above ground or water level, when determined by the department after a hearing to be a hazard or potential hazard to the safe flight of aircraft, shall be plainly marked, illuminated, painted, lighted, or designated in a manner to be approved in accordance with the general rules of the department so that the structure or obstacle will be clearly visible to airmen. In determining which structures or obstacles constitute a safety hazard, or a hazard to flight, the department shall take into account those obstacles located at a river, lake, or canyon crossing, and in other low-altitude flight paths usually traveled by aircraft including, but not limited to, airport areas and runway departure and approach areas as defined by federal air regulations.

[1995 c 153 § 2; 1984 c 7 § 361; 1961 c 263 § 2. Formerly RCW 14.04.340.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.350 Hazardous structures and obstacles--Reporting location--Subpoenas.

The secretary may require owners, operators, lessees, or others having the control or management of structures or obstacles over one hundred fifty feet above ground or water level and that are or may become a hazard to air flight to report the location of the existing or proposed structures or obstacles to the department. For that purpose the secretary may issue subpoenas and subpoenas duces tecum returnable within twenty days to the department. If a person refuses to obey the secretary's subpoena, the department may certify to the superior court all facts of the refusal. The court shall summarily hear evidence on the refusal, and, if the evidence warrants, punish the person refusing in the same manner and to the same extent as a contempt committed before the court.

[1984 c 7 § 362; 1961 c 263 § 3. Formerly RCW 14.04.350.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.360 Hazardous structures and obstacles--Exemption of structures required by federal law to be marked.

RCW 47.68.340 and 47.68.350 shall not apply to structures required to be marked by federal regulations.

[1983 c 3 § 147; 1961 c 263 § 4. Formerly RCW 14.04.360.]

RCW 47.68.380 Search and rescue.

The aviation division is responsible for the conduct and management of all aerial search and rescue within the state. This includes search and rescue efforts involving aircraft and airships. The division is also responsible for search and rescue activities involving electronic emergency signaling devices such as emergency locator transmitters (ELT's) and emergency

position indicating radio beacons (EPIRB's).

[1995 c 153 § 1.]

RCW 47.68.900 Severability--1947 c 165.

If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

[1947 c 165 § 35. Formerly RCW 14.04.900.]

**Chapter 47.72 RCW
NAVIGATION CANALS**

(Formerly: Chapter 91.12 RCW, Canal commission)

Sections

| | |
|-----------|-------------------------|
| 47.72.010 | Declaration of purpose. |
| 47.72.050 | Powers and duties. |
| 47.72.060 | "Canal" defined. |

RCW 47.72.010 Declaration of purpose.

The purposes of this chapter are to aid commerce and navigation, including the development of recreational facilities related thereto, and to otherwise promote the general welfare by the development of navigation canals within the boundaries of the state of Washington.

[1965 ex.s. c 123 § 1. Formerly RCW 91.12.010.]

RCW 47.72.050 Powers and duties.

In its capacity as successor to the canal commission, the department of transportation may:

- (1) Adopt rules and regulations necessary to carry out the purposes of this chapter.
- (2) Make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.
- (3) Construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the department of transportation.
- (4) Acquire by gift, purchase, or condemnation from any person, municipal, public, or

private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the department of transportation.

(5) Hold public hearings. Prior to a determination of feasibility for any proposed project, the department shall hold a public hearing so that members of the public may present their views thereon.

(6) Accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.

(7) Negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance of any navigation canal, or navigation canal system provided for in this chapter.

(8) As a local sponsor cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, and rights of way, performing all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

[1977 ex.s. c 151 § 75; 1965 ex.s. c 123 § 5. Formerly RCW 91.12.050.]

RCW 47.72.060 "Canal" defined.

For the purposes of this chapter, "canal" is defined as any waterway for navigation created by construction of reservoirs or construction of channels by excavation in dry ground, in streams, rivers or in tidal waters and any existing waterway incorporated into such a canal and including any appurtenant features necessary for operation and maintenance of the canal.

[1965 ex.s. c 123 § 6. Formerly RCW 91.12.060.]

Chapter 47.74 RCW
MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

Sections

47.74.010 Multistate Highway Transportation Agreement enacted, terms.

47.74.020 Appointment of delegates to represent state.

RCW 47.74.010 Multistate Highway Transportation Agreement enacted, terms.

The Multistate Highway Transportation Agreement is hereby enacted into law and entered into with all other jurisdictions legally joining therein as follows:

MULTISTATE HIGHWAY
TRANSPORTATION AGREEMENT

Pursuant to and in conformity with the laws of their respective jurisdictions, the participating jurisdictions, acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows:

ARTICLE I
Findings and Purposes

SECTION 1. Findings. The participating jurisdictions find that:

- (a) The expanding regional economy depends on expanding transportation capacity;
- (b) Highway transportation is the major mode for movement of people and goods in the western states;
- (c) Uniform application in the West of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption, and related transportation costs, which are necessary to permit increased productivity;
- (d) A number of western states, already having adopted substantially the 1964 Bureau of Public Roads recommended vehicle size and weight standards, still find current federal limits more restrictive;
- (e) The 1974 revision of federal law (23 U.S.C. 127) did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is nearly ninety-two percent complete; and
- (f) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

SECTION 2. Purposes. The purposes of this agreement are to:

- (a) Adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system;
- (b) Establish a system authorizing the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards;
- (c) Promote uniformity among participating jurisdictions in vehicle size and weight

standards on the basis of the objectives set forth in this agreement;

(d) Secure uniformity insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards;

(e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article.

ARTICLE II Definitions

SECTION 1. As used in this agreement:

(a) "Designated representative" means a legislator or other person authorized to represent the jurisdiction;

(b) "Jurisdiction" means a state of the United States or the District of Columbia;

(c) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

ARTICLE III General Provisions

SECTION 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes, and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

SECTION 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

SECTION 3. Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

SECTION 4. Vehicle Laws and Regulations. This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations thereof.

SECTION 5. Interpretation. The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

SECTION 6. Amendment. This agreement may be amended by unanimous joint action of the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement, subject to the requirements of section 4, article III. Any amendment shall be placed in writing and become a part hereof.

SECTION 7. Restrictions, Conditions, or Limitations. Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition, or limitation on the general terms of this agreement, if any.

SECTION 8. Additional Jurisdictions. Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

ARTICLE IV Cooperating Committee

SECTION 1. Pursuant to section 2, article III, the designated representatives of the participating jurisdictions shall constitute a committee which shall have the power to:

(a) Collect, correlate, analyze, and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters;

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken;

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

SECTION 2. Each participating jurisdiction shall be entitled to one vote only. No action of the committee shall be binding unless a majority of the total number of votes cast by participating jurisdictions are in favor thereof.

SECTION 3. The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman, and a secretary.

SECTION 4. The committee shall submit annually to the legislature of each participating jurisdiction, no later than November 1st, a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable. Copies of all such reports shall be made available to the Transportation Committee of the Western Conference, Council of State Governments, and to the Western Association of State Highway and Transportation Officials.

ARTICLE V Objectives of the Participating Jurisdictions

SECTION 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions by encouraging the adoption of standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight of 20,000 pounds, a tandem-axle weight of 34,000 pounds, and a gross vehicle or combination weight of that resulting from application of the formula:

$$W = 500 ((LN/N - 1) + 12N + 36)$$

where W = maximum weight in pounds carried on
any group of two or computed to nearest

- 500 pounds.
- L = distance in feet between the extremes of any group of two or more consecutive axles.
- N = number of axles in group under consideration.

(b) It is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding or forfeiture of federal-aid funds pursuant to section 127, title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction which could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1, 1956, are adhered to.

(c) The objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected.

(d) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such other matters as may be pertinent.

(e) In recognition of the limited prospects of federal revision of section 127, title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to secure congressional approval of this agreement and, specifically of the vehicle size and weight standards set forth in subsection (a) of this section.

(f) In recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size and weight standards on a national basis, and further that procedures adopted under this agreement be compatible with national standards.

ARTICLE VI

Entry Into Force and Withdrawal

SECTION 1. This agreement shall enter into force when enacted into law by any two or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, article III.

SECTION 2. Any participating jurisdiction may withdraw from this agreement by canceling the same, but no such withdrawal shall take effect until thirty days after the designated representative of the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating jurisdictions.

ARTICLE VII

Construction and Severability

SECTION 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

SECTION 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

ARTICLE VIII

Filing of Documents

SECTION 1. A copy of this agreement, its amendments, and rules or regulations promulgated thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

ARTICLE IX

Existing Statutes Not Repealed

SECTION 1. All existing statutes prescribing weight and size standards and all existing statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

ARTICLE X

State Government Departments Authorized to Cooperate with Cooperating Committee

SECTION 1. Within appropriations available therefor, the departments, agencies, and officers of the government of this state shall cooperate with and assist the cooperating committee

within the scope contemplated by article IV, section 1 (a) and (b) of the agreement. The departments, agencies, and officers of the government of this state are authorized generally to cooperate with said cooperating committee.

[1983 c 82 § 1.]

RCW 47.74.020 Appointment of delegates to represent state.

The chairman of the legislative transportation committee shall appoint a delegate and such alternates as may be appropriate to represent the state on the cooperating committee established by the Multistate Highway Transportation Agreement.

[1983 c 82 § 2.]

**Chapter 47.76 RCW
RAIL FREIGHT SERVICE**

Sections

| | |
|-----------|---|
| 47.76.200 | Legislative findings. |
| 47.76.210 | State freight rail program. |
| 47.76.220 | State rail plan--Contents. |
| 47.76.230 | Freight rail planning. |
| 47.76.240 | Rail preservation program. |
| 47.76.250 | Essential rail assistance account--Purposes. |
| 47.76.270 | Essential rail banking account merged into essential rail assistance account. |
| 47.76.280 | Sale or lease for use as rail service--Time limit. |
| 47.76.290 | Sale or lease for other use--Authorized buyers, notice, terms, deed, deposit of moneys. |
| 47.76.300 | Sale for other use--Governmental entity. |
| 47.76.310 | Rent or lease of lands. |
| 47.76.320 | Sale at public auction. |
| 47.76.330 | Eminent domain exemptions. |
| 47.76.340 | Evaluating program performance. |
| 47.76.350 | Monitoring federal rail policies. |

RCW 47.76.200 Legislative findings.

The legislature finds that a balanced multimodal transportation system is required to maintain the state's commitment to the growing mobility needs of its citizens and commerce. The state's freight rail system, including branch lines, mainlines, rail corridors, terminals, yards, and equipment, is an important element of this multimodal system. Washington's economy relies heavily upon the freight rail system to ensure movement of the state's agricultural, chemical, and natural resources and manufactured products to local, national, and international markets and thereby contributes to the economic vitality of the state.

Since 1970, Washington has lost over one-third of its rail miles to abandonment and

bankruptcies. The combination of rail abandonments and rail system capacity constraints may alter the delivery to market of many commodities. In addition, the resultant motor vehicle freight traffic increases the burden on state highways and county roads. In many cases, the cost of maintaining and upgrading the state highways and county roads exceeds the cost of maintaining rail freight service. Thus, the economy of the state will be best served by a policy of maintaining and encouraging a healthy rail freight system by creating mechanisms that keep rail freight lines operating if the benefits of the service outweigh the cost.

Recognizing the implications of this trend for freight mobility and the state's economic future, the legislature finds that better freight rail planning, better cooperation to preserve rail lines, and increased financial assistance from the state are necessary to maintain and improve the freight rail system within the state.

[1995 c 380 § 1; 1993 c 224 § 1; 1983 c 303 § 4. Formerly RCW 47.76.010.]

Notes:

Severability--1983 c 303: See RCW 36.60.905.

RCW 47.76.210 State freight rail program.

The Washington state department of transportation shall implement a state freight rail program that supports the freight rail service objectives identified in the state's multimodal transportation plan required under chapter 47.06 RCW. The support may be in the form of projects and strategies that support branch lines and light-density lines, provide access to ports, maintain adequate mainline capacity, and preserve or restore rail corridors and infrastructure.

[1995 c 380 § 2; 1990 c 43 § 2. Formerly RCW 47.76.110.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.220 State rail plan--Contents.

(1) The department of transportation shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail services. The plan shall:

- (a) Identify and evaluate mainline capacity issues;
- (b) Identify and evaluate port-to-rail access and congestion issues;
- (c) Identify and evaluate those rail freight lines that may be abandoned or have recently been abandoned;
- (d) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned;
- (e) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment or capacity constraints of the rail line, the likelihood the rail line receiving funding can meet operating costs from

freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment or capacity constraints on changes in energy utilization and air pollution;

- (f) Identify and describe the state's rail system;
- (g) Prepare a state freight rail system map;
- (h) Identify and evaluate rail commodity flows and traffic types;
- (i) Identify lines and corridors that have been rail banked or preserved; and
- (j) Identify and evaluate other issues affecting the state's rail traffic.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal Railroad Revitalization and Regulatory Reform Act.

[1995 c 380 § 3; 1993 c 224 § 2; 1985 c 432 § 1; 1983 c 303 § 5. Formerly RCW 47.76.020.]

Notes:

Severability--1983 c 303: See RCW 36.60.905.

RCW 47.76.230 Freight rail planning.

(1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for intrastate rates, service, and safety issues.

(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers shall be obtained to the extent that such information is available.

(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:

(a) Rail project cost-benefit analyses conducted in accordance with methodologies recommended by the Federal Railroad Administration;

(b) Assistance in the formation of county rail districts and port districts; and

(c) Feasibility studies for rail service continuation and/or rail service assistance.

(4) With funding authorized by the legislature, the department of transportation, in collaboration with the department of community, trade, and economic development, and local economic development agencies, and other interested public and private organizations, shall develop a cooperative process to conduct community and business information programs and to regularly disseminate information on rail matters.

[1995 c 380 § 4; 1990 c 43 § 3. Formerly RCW 47.76.120.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.240 Rail preservation program.

The state, counties, local communities, ports, railroads, labor, and shippers all benefit

from continuation of rail service and should participate in its preservation. Lines that provide benefits to the state and local jurisdictions, such as avoided roadway costs, reduced traffic congestion, economic development potential, environmental protection, and safety, should be assisted through the joint efforts of the state, local jurisdictions, and the private sector.

State funding for rail service, rail preservation, and corridor preservation projects must benefit the state's interests. The state's interest is served by reducing public roadway maintenance and repair costs, increasing economic development opportunities, increasing domestic and international trade, preserving jobs, and enhancing safety. State funding for projects is contingent upon appropriate local jurisdiction and private sector participation and cooperation. Before spending state moneys on projects the department shall seek federal, local, and private funding and participation to the greatest extent possible.

(1) The department of transportation shall continue to monitor the status of the state's mainline and branchline common carrier railroads and preserved rail corridors through the state rail plan and various analyses, and shall seek alternatives to abandonment prior to interstate commerce commission proceedings, where feasible.

(2) The utilities and transportation commission shall intervene in interstate commerce commission proceedings on abandonments, when necessary, to protect the state's interest.

(3) The department of transportation, in consultation with the Washington state freight rail policy advisory committee, shall establish criteria for evaluating rail projects and corridors of significance to the state.

(4) Local jurisdictions may implement rail service preservation projects in the absence of state participation.

(5) The department of transportation shall continue to monitor projects for which it provides assistance.

[1995 c 380 § 5; 1993 c 224 § 3; 1990 c 43 § 4. Formerly RCW 47.76.130.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.250 Essential rail assistance account--Purposes.

(1) The essential rail assistance account is created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be used by the department or distributed by the department to cities, county rail districts, counties, economic development councils, and port districts for the purpose of:

(a) Acquiring, rebuilding, rehabilitating, or improving rail lines;

(b) Purchasing or rehabilitating railroad equipment necessary to maintain essential rail service;

(c) Constructing railroad improvements to mitigate port access or mainline congestion;

(d) Construction of loading facilities to increase business on light density lines or to mitigate the impacts of abandonment;

(e) Preservation, including operation, of light density lines, as identified by the Washington state department of transportation, in compliance with this chapter; or

(f) Preserving rail corridors for future rail purposes by purchase of rights of way. The department shall first pursue transportation enhancement program funds, available under the federal surface transportation program, to the greatest extent practicable to preserve rail corridors. Purchase of rights of way may include track, bridges, and associated elements, and must meet the following criteria:

(i) The right of way has been identified and evaluated in the state rail plan prepared under this chapter;

(ii) The right of way may be or has been abandoned; and

(iii) The right of way has potential for future rail service.

(3) The department or the participating local jurisdiction is responsible for maintaining any right of way acquired under this chapter, including provisions for drainage management, fire and weed control, and liability associated with ownership.

(4) Nothing in this section impairs the reversionary rights of abutting landowners, if any, without just compensation.

(5) The department, cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired under this chapter.

(6) The department, cities, county rail districts, counties, and port districts may grant trackage rights over rail lines acquired under this chapter.

(7) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or until compensation has been made to the underlying fee title holder or reversionary rights holder.

(8) The department of transportation shall develop criteria for prioritizing freight rail projects that meet the minimum eligibility requirements for state assistance under RCW 47.76.240. The department shall develop criteria in consultation with the Washington state freight rail policy advisory committee. Project criteria should consider the level of local financial commitment to the project as well as cost/benefit ratio. Counties, local communities, railroads, shippers, and others who benefit from the project should participate financially to the greatest extent practicable.

(9) Moneys received by the department from franchise fees, trackage rights fees, and loan payments shall be redeposited in the essential rail assistance account. Repayment of loans made under this section shall occur within a period not longer than fifteen years, as set by the department. The repayment schedule and rate of interest, if any, shall be determined before the distribution of the moneys.

(10) The state shall maintain a contingent interest in any equipment, property, rail line, or facility that has outstanding grants or loans. The owner may not use the line as collateral, remove track, bridges, or associated elements for salvage, or use it in any other manner subordinating the state's interest without permission from the department.

(11) Moneys distributed under this chapter should be provided as loans wherever

practicable. Except as provided by section 3, chapter 73, Laws of 1996, for improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans.

[1996 c 73 § 2; 1995 c 380 § 6; 1993 c 224 § 4; 1991 sp.s. c 13 § 22; 1991 c 363 § 125; 1990 c 43 § 11. Prior: 1985 c 432 § 2; 1985 c 57 § 64; 1983 c 303 § 6. Formerly RCW 47.76.030.]

Notes:

Effective date--1996 c 73: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 13, 1996]." [1996 c 73 § 4.]

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1983 c 303: See RCW 36.60.905.

County rail districts: Chapter 36.60 RCW.

Port districts, acquisition and operation of facilities: RCW 53.08.020.

RCW 47.76.270 Essential rail banking account merged into essential rail assistance account.

The essential rail banking account is merged into the essential rail assistance account created under RCW 47.76.250. Any appropriations made to the essential rail banking account are transferred to the essential rail assistance account, and are subject to the restrictions of that account.

[1995 c 380 § 7; 1993 c 224 § 6; 1991 sp.s. c 13 § 120; 1991 c 363 § 127; 1990 c 43 § 7. Formerly RCW 47.76.160.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.280 Sale or lease for use as rail service--Time limit.

The department may sell or lease property acquired under this chapter to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity that originally donated funds to the department under this chapter shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service purchases or leases the property within six years after its acquisition by the department, the department may sell or lease such property in the manner provided in RCW 47.76.290. Failing this, the department may sell or convey all such property in the manner

provided in RCW 47.76.300 or 47.76.320.

[1995 c 380 § 8; 1993 c 224 § 7; 1991 sp.s. c 15 § 61; 1991 c 363 § 126; 1985 c 432 § 3. Formerly RCW 47.76.040.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

RCW 47.76.290 Sale or lease for other use--Authorized buyers, notice, terms, deed, deposit of moneys.

(1) If real property acquired by the department under this chapter is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may sell or lease the property at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner, heir, or successor of the property from whom the property was acquired;

(e) Any abutting private owner or owners.

(2) Notice of intention to sell under this section shall be given by publication in one or more newspapers of general circulation in the area in which the property is situated not less than thirty days prior to the intended date of sale.

(3) Sales to purchasers may, at the department's option, be for cash or by real estate contract.

(4) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received under this section shall be deposited in the essential rail banking account of the general fund.

[1993 c 224 § 8; 1991 sp.s. c 15 § 62; 1985 c 432 § 4. Formerly RCW 47.76.050.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.300 Sale for other use--Governmental entity.

If real property acquired by the department under this chapter is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may transfer and convey the property to the United States, its agencies or instrumentalities, to any other state agency, or to any county or city or port district of this state when, in the judgment of the secretary, the transfer and conveyance is consistent with the public interest. Whenever the secretary makes an agreement for any such transfer or

conveyance, the secretary shall execute and deliver to the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as necessary to fulfill the terms of the agreement. All moneys paid to the state of Washington under this section shall be deposited in the essential rail banking account of the general fund.

[1993 c 224 § 9; 1991 sp.s. c 15 § 63; 1985 c 432 § 5. Formerly RCW 47.76.060.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.310 Rent or lease of lands.

The department is authorized subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands acquired under this chapter, upon such terms and conditions as the department determines.

[1993 c 224 § 10; 1991 sp.s. c 15 § 64; 1985 c 432 § 6. Formerly RCW 47.76.070.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.320 Sale at public auction.

(1) If real property acquired by the department under this chapter is not sold, conveyed, or leased to a public or private entity within six years of its acquisition by the department, the department may, in its discretion, sell the property at public auction in accordance with subsections (2) through (5) of this section.

(2) The department shall first give notice of the sale by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks before the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) In accordance with the terms set forth in the notice, the department shall sell the property at the public auction to the highest and best bidder if the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property may be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property under this subsection shall be in writing and may be rejected at any time before written acceptance by the department.

(5) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(6) All moneys received under this section shall be deposited in the essential rail banking account of the general fund.

[1993 c 224 § 11; 1991 sp.s. c 15 § 65; 1985 c 432 § 7. Formerly RCW 47.76.080.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.330 Eminent domain exemptions.

Transfers of ownership of property acquired under this chapter are exempt from chapters 8.25 and 8.26 RCW.

[1993 c 224 § 12; 1991 sp.s. c 15 § 66; 1985 c 432 § 8. Formerly RCW 47.76.090.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.340 Evaluating program performance.

The department shall evaluate the state freight rail program performance at the end of six years (in 1996) with respect to past and current conditions and future needs. The results of this evaluation shall be presented to the legislative transportation committee.

[1993 c 224 § 13; 1990 c 43 § 8. Formerly RCW 47.76.170.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.350 Monitoring federal rail policies.

The department of transportation shall continue to monitor federal rail policies and congressional action and communicate to Washington's congressional delegation and federal transportation agencies the need for a balanced transportation system and associated funding.

[1990 c 43 § 10. Formerly RCW 47.76.190.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

Chapter 47.78 RCW
HIGH CAPACITY TRANSPORTATION DEVELOPMENT
(Formerly: Rail service development)

Sections
47.78.010 High capacity transportation account.

RCW 47.78.010 High capacity transportation account.

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight, activities associated with freight mobility, and commute trip reduction activities.

[1997 c 457 § 513; (1995 2nd sp.s. c 14 § 528 expired June 30, 1997); 1991 sp.s. c 13 §§ 66, 121; 1990 c 43 § 47; 1987 c 428 § 1.]

Notes:

Severability--1997 c 457: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 457 § 701.]

Effective date--1997 c 457: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 20, 1997]." [1997 c 457 § 702.]

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: See note following RCW 43.105.017.

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

Effective date--1987 c 428: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 c 428 § 4.]

**Chapter 47.79 RCW
HIGH-SPEED GROUND TRANSPORTATION**

Sections

| | |
|-----------|--|
| 47.79.010 | Legislative declaration. |
| 47.79.020 | Program established--Goals. |
| 47.79.030 | Project priority--Funding sources. |
| 47.79.040 | Rail passenger plan. |
| 47.79.050 | Facility acquisition and management. |
| 47.79.060 | Gifts. |
| 47.79.070 | Adjacent real property. |
| 47.79.110 | King Street station--Findings. |
| 47.79.120 | King Street station--Acquisition. |
| 47.79.130 | King Street station--Department's powers and duties. |
| 47.79.140 | King Street station--Leases and contracts for multimodal terminal. |
| 47.79.150 | King Street railroad station facility account. |
| 47.79.900 | Effective date--1993 c 381. |

RCW 47.79.010 Legislative declaration.

The legislature recognizes that major intercity transportation corridors in this state are

becoming increasingly congested. In these corridors, population is expected to grow by nearly forty percent over the next twenty years, while employment will grow by nearly fifty percent. The estimated seventy-five percent increase in intercity travel demand must be accommodated to ensure state economic vitality and protect the state's quality of life.

The legislature finds that high-speed ground transportation offers a safer, more efficient, and environmentally responsible alternative to increasing highway capacity. High-speed ground transportation can complement and enhance existing air transportation systems. High-speed ground transportation can be compatible with growth management plans in counties and cities served by such a system. Further, high-speed ground transportation offers a reliable, all-weather service capable of significant energy savings over other intercity modes.

[1993 c 381 § 1.]

RCW 47.79.020 Program established--Goals.

The legislature finds that there is substantial public benefit to establishing a high-speed ground transportation program in this state. The program shall implement the recommendations of the high-speed ground transportation steering committee report dated October 15, 1992. The program shall be administered by the department of transportation in close cooperation with the utilities and transportation commission and affected cities and counties.

The high-speed ground transportation program shall have the following goals:

(1) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Everett and Portland, Oregon by 2020. This would be accomplished by meeting the intermediate objectives of a maximum travel time between downtown Portland and downtown Seattle of two hours and thirty minutes by the year 2000 and maximum travel time of two hours by the year 2010;

(2) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Everett and Vancouver, B.C. by 2025;

(3) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Seattle and Spokane by 2030.

The department of transportation shall, subject to legislative appropriation, implement such projects as necessary to achieve these goals in accordance with the implementation plans identified in RCW 47.79.030 and 47.79.040.

[1993 c 381 § 2.]

RCW 47.79.030 Project priority--Funding sources.

The legislature finds it important to develop public support and awareness of the benefits of high-speed ground transportation by developing high-quality intercity passenger rail service as a first step. This high-quality intercity passenger rail service shall be developed through incremental upgrading of the existing service. The department of transportation shall, subject to legislative appropriation, develop a prioritized list of projects to improve existing passenger rail service and begin new passenger rail service, to include but not be limited to:

- (1) Improvement of depots;
- (2) Improved grade crossing protection or grade crossing elimination;
- (3) Enhanced train signals to improve rail corridor capacity and increase train speeds;
- (4) Revised track geometry or additional trackage to improve ride quality and increase train speeds; and
- (5) Contract for new or improved service in accordance with federal requirements to improve service frequency.

Service enhancements and station improvements must be based on the extent to which local comprehensive plans contribute to the viability of intercity passenger rail service, including providing efficient connections with other transportation modes such as transit, intercity bus, and roadway networks. Before spending state moneys on these projects, the department of transportation shall seek federal, local, and private funding participation to the greatest extent possible. Funding priorities for station improvements must also be based on the level of local and private in-kind and cash contributions.

[1993 c 381 § 3.]

RCW 47.79.040 Rail passenger plan.

The legislature recognizes the need to plan for the high-speed ground transportation service and the high-quality intercity rail passenger service set forth in RCW 47.79.020 and 47.79.030. The department of transportation shall, subject to legislative appropriation, develop a rail passenger plan through the conduct of studies addressing, but not limited to, the following areas:

- (1) Refined ridership estimates;
- (2) Preliminary location and environmental analysis on new corridors;
- (3) Detailed station location assessments in concert with affected local jurisdictions;
- (4) Coordination with the air transportation commission on state-wide air transportation policy and its effects on high-speed ground transportation service; and
- (5) Coordination with the governments of Oregon and British Columbia, when appropriate, on alignment, station location, and environmental analysis.

[1993 c 381 § 4.]

RCW 47.79.050 Facility acquisition and management.

Subject to appropriation, the department is authorized to acquire by purchase, lease, condemnation, gift, devise, bequest, grant, or exchange, title to or any interests or rights in real property adjacent to or used in association with state intercity passenger rail service which may include, but are not limited to, depots, platforms, parking areas, and maintenance facilities. The department is authorized to contract with a public or private entity for the operation, maintenance, and/or management of these facilities.

[1999 c 253 § 1.]

RCW 47.79.060 Gifts.

Subject to appropriation, the department is authorized to accept and expend or use gifts, grants, and donations for the benefit of any depot, platform, parking area, maintenance facility, or other associated rail facility. However, such an expenditure shall be for the public benefit of the state's intercity passenger rail service.

[1999 c 253 § 2.]

RCW 47.79.070 Adjacent real property.

Subject to appropriation, the department is authorized to exercise all the powers and perform all the duties necessary, convenient, or incidental to the planning, designing, constructing, improving, repairing, operating, and maintaining real property adjacent to or used in association with the state intercity passenger rail service which may include, but are not limited to, depots, platforms, parking areas, and maintenance facilities, even if such real property is owned or controlled by another entity. However, any expenditure of public funds for these purposes shall be directly related to public benefit of the state's intercity passenger rail service. The department shall enter into a written contract with the affected real property owners to secure the public's investment.

[1999 c 253 § 3.]

RCW 47.79.110 King Street station--Findings.

The legislature finds that a balanced, multimodal transportation system is an essential element of the state's infrastructure, and that effective rail passenger service is an integral part of a balanced, multimodal transportation system. The legislature further finds that the King Street railroad station is the key hub for both Puget Sound's intermodal passenger transportation system and the state's rail passenger system. The legislature recognizes that the redevelopment of the King Street railroad station depot, along with necessary and related properties, is critical to its continued functioning as a transportation hub and finds that innovative funding arrangements can materially assist in furthering the redevelopment at reduced public expense.

[2001 c 62 § 1.]

NOTES:

Effective date--2001 c 62: "Due to the irrevocable expiration of federal and Amtrak funds critical to the redevelopment of the King Street railroad station on or before June 30, 2001, sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [April 18, 2001]." [2001 c 62 § 7.]

RCW 47.79.120 King Street station--Acquisition.

The department may acquire, or contract to acquire, by purchase, lease, option to lease or purchase, condemnation, gift, devise, bequest, grant, or exchange of title, the King Street railroad

station depot located in Seattle, or any interests or rights in it, and other real property and improvements adjacent to, or used in association with, the King Street railroad station depot. The property may include, but not be limited to, the depot, platforms, parking areas, pedestrian and vehicle access areas, and maintenance facilities. These properties, in the aggregate, will be known as the King Street railroad station.

[2001 c 62 § 2.]

NOTES:

Effective date--2001 c 62: See note following RCW 47.79.110.

RCW 47.79.130 King Street station--Department's powers and duties.

During all periods that the department contracts to own or lease some, or all, of the King Street railroad station properties, the department may exercise all the powers and perform all the duties necessary, convenient, or incidental for planning, designing, constructing, improving, repairing, renovating, restoring, operating, and maintaining the King Street railroad station properties. These powers also include authority to lease or sell, assign, sublease, or otherwise transfer all, or portions of, the King Street railroad station properties for transportation or other public or private purposes and to contract with other public or private entities for the operation, administration, maintenance, or improvement of the King Street railroad station properties after the department takes possession of some, or all, of the properties, as the secretary deems appropriate. If the department transfers any of its fee ownership interests in the King Street railroad station properties, proceeds from the transaction must be placed in an account that supports multimodal programs, but not into an account restricted by Article II, section 40 of the state Constitution.

[2001 c 62 § 3.]

NOTES:

Effective date--2001 c 62: See note following RCW 47.79.110.

RCW 47.79.140 King Street station--Leases and contracts for multimodal terminal.

To facilitate tax exempt financing for the acquisition and improvement of the King Street railroad station, the department may lease from or contract with public or private entities for the acquisition, lease, operation, maintenance, financing, renovation, restoration, or management of some, or all, of the King Street railroad station properties as a multimodal terminal that supports the state intercity passenger rail service. The leases or contracts are not subject to either chapter 39.94 or 43.82 RCW. The leases and contracts will expire no later than fifty years from the time they are executed, and at that time the department will either receive title or have the right to receive title to the financed property without additional obligation to compensate the owner of those properties for the acquisition of them. The secretary may take all actions necessary, convenient, or incidental to the financing.

[2001 c 62 § 4.]

NOTES:

Effective date--2001 c 62: See note following RCW 47.79.110.

RCW 47.79.150 King Street railroad station facility account.

(1) The department may establish the King Street railroad station facility account as an interest-bearing local account. Receipts from the sources listed in subsection (2) of this section must be deposited into the account. Nothing in this section is a pledge of funds deposited to the account for repayment of tax exempt financing related to the King Street railroad station. The department may invest funds from the account as permitted by law and may enter into contracts with financial advisors as deemed necessary for that purpose. Only the secretary or the secretary's designee may authorize expenditures from the account.

(2) All funds appropriated to the King Street railroad station facility account by the legislature; all contributions, payments, grants, gifts, and donations to the account from other public or private entities; all receipts from departmental transactions involving capital facility sales, transfers, property leases and rents, incomes, and parking fees associated with the King Street railroad station; as well as all investment income associated with the account must be deposited into the King Street railroad station facility account for purposes specified in subsection (3) of this section.

(3) All funds deposited into the King Street railroad station facility account must be expended by the department solely to pay the following expenses:

- (a) Costs for management of the account;
- (b) Purchase and acquisition costs for King Street railroad station properties;
- (c) Payments, including incidental expenses, relating to the King Street railroad station depot as required by a lease or contract under RCW 47.79.140;
- (d) Maintenance and operating costs for the King Street railroad station properties; and
- (e) Capital improvement projects initiated by the department associated with, and for the benefit of, the King Street railroad station depot occurring after the date of the department's beneficial occupancy of the renovated King Street railroad station depot, and for capital improvement projects initiated at any time by the department for the benefit of King Street railroad station properties other than the depot including, but not limited to, improvements to associated platforms, parking areas, temporary buildings, maintenance facilities, pedestrian access, and other improvements essential to the operation of the station as a multimodal terminal.

(4) Nothing in this section is intended to restrict the right of the department from otherwise funding purchase, acquisition, capital improvement, maintenance, rental, operational, and other incidental costs relating to the King Street railroad station from appropriations and resources that are not designated for deposit in the King Street railroad station facility account.

[2001 c 62 § 5.]

NOTES:

Effective date--2001 c 62: See note following RCW 47.79.110.

RCW 47.79.900 Effective date--1993 c 381.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1,

1993.

[1993 c 381 § 5.]

Chapter 47.80 RCW
REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS

Sections

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| 47.80.903 | Severability--1994 c 158. |
| 47.80.904 | Effective date--1994 c 158. |

RCW 47.80.010 Findings--Declaration.

The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

[1990 1st ex.s. c 17 § 53.]

RCW 47.80.011 Legislative intent.

The legislature recognizes that recent legislative enactments have significantly added to the complexity of and to the potential for benefits from integrated transportation and comprehensive planning and that there is currently a unique opportunity for integration of local comprehensive plans and regional goals with state and local transportation programs. Further, approaches to transportation demand management initiatives and local and state transportation

funding can be better coordinated to insure an efficient, effective transportation system that insures mobility and accessibility, and addresses community needs.

The legislature further finds that transportation and land use share a critical relationship that policy makers can better utilize to address regional strategies.

Prudent and cost-effective investment by the state and by local governments in highway facilities, local streets and arterials, rail facilities, marine facilities, nonmotorized transportation facilities and systems, public transit systems, transportation system management, transportation demand management, and the development of high capacity transit systems can help to effectively address mobility needs. Such investment can also enhance local and state objectives for effective comprehensive planning, economic development strategies, and clean air policies.

The legislature finds that addressing public initiatives regarding transportation and comprehensive planning necessitates an innovative approach. Improved integration between transportation and comprehensive planning among public institutions, particularly in the state's largest metropolitan areas is considered by the state to be imperative, and to have significant benefit to the citizens of Washington.

[1994 c 158 § 1.]

RCW 47.80.020 Regional transportation planning organizations authorized.

The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

[1990 1st ex.s. c 17 § 54.]

RCW 47.80.023 Organization's duties.

Each regional transportation planning organization shall have the following duties:

- (1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional

transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

[1998 c 171 § 8; 1994 c 158 § 2.]

RCW 47.80.026 Comprehensive plans, transportation guidelines, and principles.

Each regional transportation planning organization, with cooperation from component cities, towns, and counties, shall establish guidelines and principles by July 1, 1995, that provide specific direction for the development and evaluation of the transportation elements of comprehensive plans, where such plans exist, and to assure that state, regional, and local goals for the development of transportation systems are met. These guidelines and principles shall address at a minimum the relationship between transportation systems and the following factors: Concentration of economic activity, residential density, development corridors and urban design that, where appropriate, supports high capacity transit, freight transportation and port access,

development patterns that promote pedestrian and nonmotorized transportation, circulation systems, access to regional systems, effective and efficient highway systems, the ability of transportation facilities and programs to retain existing and attract new jobs and private investment and to accommodate growth in demand, transportation demand management, joint and mixed use developments, present and future railroad right-of-way corridor utilization, and intermodal connections.

Examples shall be published by the organization to assist local governments in interpreting and explaining the requirements of this section.

[1994 c 158 § 3.]

RCW 47.80.030 Regional transportation plan--Contents, review, use.

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of state-wide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

(3) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

[1998 c 171 § 9; 1994 c 158 § 4; 1990 1st ex.s. c 17 § 55.]

RCW 47.80.040 Transportation policy boards.

Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making.

[1990 1st ex.s. c 17 § 56.]

RCW 47.80.050 Allocation of regional transportation planning funds.

Biennial appropriations to the department of transportation to carry out the regional transportation planning program shall set forth the amounts to be allocated as follows:

(1) A base amount per county for each county within each regional transportation planning organization, to be distributed to the lead planning agency;

- (2) An amount to be distributed to each lead planning agency on a per capita basis; and
- (3) An amount to be administered by the department of transportation as a discretionary grant program for special regional planning projects, including grants to allow counties which have significant transportation interests in common with an adjoining region to also participate in that region's planning efforts.

[1990 1st ex.s. c 17 § 57.]

RCW 47.80.060 Executive board membership.

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards or on a regional transit authority.

[1992 c 101 § 31.]

Notes:

Section headings not part of law--Severability--Effective date--1992 c 101: See RCW 81.112.900 through 81.112.902.

RCW 47.80.070 State-wide consistency.

In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation, in conformance with chapter 34.05 RCW, shall:

- (1) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;
- (2) Facilitate coordination between regional transportation planning organizations; and
- (3) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

[1994 c 158 § 5.]

RCW 47.80.900 Severability--1990 1st ex.s. c 17.

See RCW 36.70A.900.

RCW 47.80.901 Part, section headings not law--1990 1st ex.s. c 17.

See RCW 36.70A.901.

RCW 47.80.902 Captions not part of law--1994 c 158.

Captions used in this act do not constitute any part of the law.

[1994 c 158 § 11.]

RCW 47.80.903 Severability--1994 c 158.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1994 c 158 § 12.]

RCW 47.80.904 Effective date--1994 c 158.

This act shall take effect July 1, 1994.

[1994 c 158 § 13.]

**Chapter 47.82 RCW
AMTRAK**

Sections

| | |
|-----------|---|
| 47.82.010 | Service improvement program. |
| 47.82.020 | Depot upgrading. |
| 47.82.030 | Service extension. |
| 47.82.040 | Coordination with other rail systems and common carriers. |
| 47.82.900 | Construction--Severability--Headings--1990 c 43. |

RCW 47.82.010 Service improvement program.

The department, in conjunction with local jurisdictions, shall coordinate as appropriate with the designated metropolitan planning organizations to develop a program for improving Amtrak passenger rail service. The program may include:

- (1) Determination of the appropriate level of Amtrak passenger rail service;
- (2) Implementation of higher train speeds for Amtrak passenger rail service, where safety considerations permit;
- (3) Recognition, in the state's long-range planning process, of potential higher speed intercity passenger rail service, while monitoring socioeconomic and technological conditions as indicators for higher speed systems; and
- (4) Identification of existing intercity rail rights of way which may be used for public transportation corridors in the future.

[1990 c 43 § 36.]

RCW 47.82.020 Depot upgrading.

The department shall, when feasible, assist local jurisdictions in upgrading Amtrak depots. Multimodal use of these facilities shall be encouraged.

[1990 c 43 § 37.]

RCW 47.82.030 Service extension.

(1) The department, in conjunction with local jurisdictions, shall coordinate as appropriate with designated metropolitan and provincial transportation organizations to pursue resumption of Amtrak service from Seattle to Vancouver, British Columbia, via Everett, Mount Vernon, and Bellingham.

(2) The department, in conjunction with local jurisdictions, shall study potential Amtrak service on the following routes:

(a) Daytime Spokane-Wenatchee-Everett-Seattle service;

(b) Daytime Spokane-Tri-Cities-Vancouver-Portland service;

(c) Tri-Cities-Yakima-Ellensburg-Seattle service, if the Stampede Pass route is reopened; and

(d) More frequent Portland-Vancouver-Kelso-Centralia- Olympia-Tacoma-Seattle service or increments thereof.

[1990 c 43 § 38.]

RCW 47.82.040 Coordination with other rail systems and common carriers.

The department, with other state and local agencies shall coordinate as appropriate with designated metropolitan planning organizations to provide public information with respect to common carrier passenger transportation. This information may include maps, routes, and schedules of passenger rail service, local transit agencies, air carriers, private ground transportation providers, and international, state, and local ferry services.

The state shall continue its cooperative relationship with Amtrak and Canadian passenger rail systems.

[1990 c 43 § 39.]

RCW 47.82.900 Construction--Severability--Headings--1990 c 43.

See notes following RCW 81.100.010.

**Chapter 47.98 RCW
CONSTRUCTION**

Sections

| | |
|-----------|--|
| 47.98.010 | Continuation of existing law. |
| 47.98.020 | Provisions to be construed in pari materia. |
| 47.98.030 | Title, chapter, section headings not part of law. |
| 47.98.040 | Invalidity of part of title not to affect remainder. |
| 47.98.041 | Severability--1963 ex.s. c 3. |
| 47.98.042 | Severability--1965 ex.s. c 170. |
| 47.98.043 | Severability--1967 ex.s. c 145. |
| 47.98.044 | Severability--1967 c 108. |
| 47.98.045 | Severability--1969 ex.s. c 281. |
| 47.98.050 | Repeals and saving. |
| 47.98.060 | Emergency--1961 c 13. |
| 47.98.070 | Federal requirements. |
| 47.98.080 | Severability--1977 ex.s. c 151. |
| 47.98.090 | Liberal construction. |

RCW 47.98.010 Continuation of existing law.

The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1961 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: PROVIDED, That this act shall not operate to terminate, extend, or otherwise affect any appropriation for the biennium commencing July 1, 1959 and ending June 30, 1961.

[1961 c 13 § 47.98.010.]

RCW 47.98.020 Provisions to be construed in pari materia.

The provisions of this title shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 46 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively.

[1961 c 13 § 47.98.020.]

RCW 47.98.030 Title, chapter, section headings not part of law.

Title headings, chapter headings, and section or subsection headings, as used in this title

do not constitute any part of the law.

[1961 c 13 § 47.98.030.]

RCW 47.98.040 Invalidity of part of title not to affect remainder.

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

[1961 c 13 § 47.98.040.]

RCW 47.98.041 Severability--1963 ex.s. c 3.

If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

[1963 ex.s. c 3 § 57.]

RCW 47.98.042 Severability--1965 ex.s. c 170.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1965 ex.s. c 170 § 70.]

RCW 47.98.043 Severability--1967 ex.s. c 145.

If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1967 ex.s. c 145 § 73.]

RCW 47.98.044 Severability--1967 c 108.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1967 c 108 § 14.]

RCW 47.98.045 Severability--1969 ex.s. c 281.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1969 ex.s. c 281 § 64.]

RCW 47.98.050 Repeals and saving.

See 1961 c 13 § 47.98.050.

RCW 47.98.060 Emergency--1961 c 13.

This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately: PROVIDED, That the effective date of sections *47.16.160, 47.20.110, and 47.20.380 shall be July 1, 1961.

[1961 c 13 § 47.98.060.]

Notes:

***Reviser's note:** RCW 47.16.160, 47.20.110, and 47.20.380 were repealed by 1970 ex.s. c 51.

RCW 47.98.070 Federal requirements.

If any part of this title or any section of *this 1977 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any department or agencies thereof, such conflicting part or section is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of the act. Any internal reorganization carried out under the terms of this title or any section of *this 1977 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1977 ex.s. c 151 § 76.]

Notes:

***Reviser's note:** This 1977 amendatory act [1977 ex.s. c 151] consisted of the enactment of new sections codified as RCW 1.08.120, 41.06.079, 47.01.011, 47.01.021, 47.01.031, 47.01.041, 47.01.051, 47.01.061, 47.01.071, 47.01.081, 47.01.091, 47.01.101, 47.01.111, 47.01.121, 47.01.131, 47.01.250, 47.04.015, 47.04.150, 47.68.015, 47.98.070, 47.98.080, and 47.98.090, new sections 12, 14, 15, 16, 17, and 25 which were not codified but appear as footnotes to certain of the above sections, the amendment of RCW 43.17.010, 43.17.020, 43.63A.070, 46.44.080, 46.44.090, 46.44.091, 46.44.092, 46.44.095, 46.61.405, 46.61.410, 46.61.415, 46.61.425, 46.61.430, 46.61.450, 46.61.570, 46.61.575, 46.68.120, 47.01.070, 47.05.020, 47.05.030, 47.05.070, 47.12.010, 47.12.060, 47.12.070, 47.12.080, 47.12.120, 47.12.130, 47.12.140, 47.12.150, 47.12.190, 47.12.200, 47.12.220, 47.24.010, 47.26.140, 47.28.010, 47.36.020, 47.36.030, 47.52.027, 47.52.139, 47.52.150, 47.52.180, 47.56.030, 47.56.070, 47.56.080, 47.56.090, 47.56.120, 47.56.250, 47.56.254, 88.16.010, 88.16.020, and 91.12.050 (recodified as RCW 47.72.050), the repeal of RCW 14.04.030, 14.04.040, 14.04.050, 47.01.010, 47.01.020, 47.01.030, 47.01.040, 47.01.050, 47.01.060, 47.01.080, 47.01.090, 47.01.100, 47.01.110, 47.01.120, 47.01.130, 47.01.160, 47.56.034,

91.12.020, 91.12.030, and 91.12.040, and directed the recodification of chapters 14.04 and 91.12 RCW as new chapters in Title 47 RCW.

RCW 47.98.080 Severability--1977 ex.s. c 151.

If any provision of *this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1977 ex.s. c 151 § 77.]

Notes:

***Reviser's note:** For translation of "this 1977 amendatory act," see note following RCW 47.98.070.

RCW 47.98.090 Liberal construction.

The rule of strict construction shall have no application to this title, and it shall be liberally construed in order to carry out the objectives for which it is designed. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in *RCW 47.01.011.

[1977 ex.s. c 151 § 78.]

Notes:

***Reviser's note:** RCW 47.01.011 was decodified pursuant to 1985 c 6 § 26.

**Title 48 RCW
INSURANCE**

Chapters

- 48.01 Initial provisions.**
- 48.02 Insurance commissioner.**
- 48.03 Examinations.**
- 48.04 Hearings and appeals.**
- 48.05 Insurers--General requirements.**
- 48.06 Organization of domestic insurers.**
- 48.07 Domestic insurers--Powers.**
- 48.08 Domestic stock insurers.**
- 48.09 Mutual insurers.**
- 48.10 Reciprocal insurers.**
- 48.11 Insuring powers.**
- 48.12 Assets and liabilities.**
- 48.13 Investments.**
- 48.14 Fees and taxes.**
- 48.15 Unauthorized insurers.**
- 48.16 Deposits of insurers.**
- 48.17 Agents, brokers, solicitors, and adjusters.**
- 48.18 The insurance contract.**

- 48.18A Variable contract act.**
- 48.19 Rates.**
- 48.20 Disability insurance.**
- 48.21 Group and blanket disability insurance.**
- 48.21A Disability insurance--Extended health.**
- 48.22 Casualty insurance.**
- 48.23 Life insurance and annuities.**
- 48.23A Life insurance policy illustrations.**
- 48.24 Group life and annuities.**
- 48.25 Industrial life insurance.**
- 48.25A Life insurance--Profit-sharing, charter, founders, and coupon policies.**
- 48.26 Marine and transportation insurance (Reserved).**
- 48.27 Property insurance.**
- 48.28 Surety insurance.**
- 48.29 Title insurers.**
- 48.30 Unfair practices and frauds.**
- 48.30A Insurance fraud.**
- 48.31 Mergers, rehabilitation, liquidation.**
- 48.31B Insurer holding company act.**
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- 48.32 Washington insurance guaranty association act.**
- 48.32A Washington life and disability insurance guaranty association act.**
- 48.34 Credit life insurance and credit accident and health insurance.**
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- 48.36A Fraternal benefit societies.**
- 48.38 Charitable gift annuity business.**
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- 48.56 Insurance premium finance company act.**
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- 48.62 Local government insurance transactions.**
- 48.66 Medicare supplemental health insurance act.**

- 48.68 Health care savings account act.**
- 48.70 Specified Disease Insurance Act.**
- 48.74 Standard valuation law.**
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- 48.80 Health care false claim act.**
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- 48.87 Midwives and birthing centers--Joint underwriting association.**
- 48.88 Day care services--Joint underwriting association.**
- 48.90 Day care centers--Self-insurance.**
- 48.92 Liability risk retention.**
- 48.94 Reinsurance Intermediary Act.**
- 48.96 Motor vehicle service contracts.**
- 48.97 Broker-controlled property and casualty insurer act.**
- 48.98 Managing General Agents Act.**
- 48.99 Uniform Insurers Liquidation Act.**
- 48.102 Viatical settlements.**
- 48.104 Holocaust victims insurance relief act.**
- 48.110 Service contracts.**

NOTES:

Administrative Procedure Act: Chapter 34.05 RCW.

Agents

exemption from unemployment compensation: RCW 50.04.230.

savings banks as: RCW 32.08.140, 32.08.160.

state banks as: RCW 30.08.140.

Children, expectant mothers, developmentally disabled, fire protection for agencies providing for, duties of chief of the Washington state patrol: RCW 74.15.050.

Consumer Protection Act: RCW 19.86.170.

Corporate seals, effect of absence from instrument: RCW 64.04.105.

Employee benefit plans

payment as discharge: RCW 49.64.030.

when private utility acquired: RCW 54.04.130.

False arrest insurance for city and county law enforcement personnel: RCW 35.23.460, 36.16.130.

False fire alarms, crime: RCW 9.40.100.

Federal bonds and notes as investment or collateral: Chapter 39.60 RCW.

Financial responsibility law: Chapter 46.29 RCW.

Fire protection district personnel--Group life insurance: RCW 52.12.031.

Fireworks: Chapter 70.77 RCW.

Funeral service contracts: RCW 18.39.240 through 18.39.360.

General agents, fire, casualty, business and occupation tax: RCW 82.04.280.

Group insurance for public employees

counties: RCW 36.32.400.

fire protection districts: RCW 52.12.031.

irrigation districts: RCW 87.03.160.

port districts: RCW 53.08.170.

public employees generally: Chapter 41.04 RCW.
public utility districts: RCW 54.04.050.
schools and colleges: RCW 28A.400.350, 28B.10.660.
state employees: Chapter 41.04 RCW.
Washington state patrol: RCW 48.24.090.
Insurance proceeds on lost, stolen, or destroyed property, exempt from execution: RCW 6.15.030.
Liability insurance for officials and employees
cities: RCW 35.21.205.
fire districts: RCW 52.12.071.
irrigation districts: RCW 87.03.162.
port districts: RCW 53.08.205.
public utility districts: RCW 54.16.095.
school districts: RCW 28A.400.360.
towns: RCW 35.21.205.
water-sewer districts: RCW 57.08.105.
Lien of employees for contribution to benefit plans: Chapter 60.76 RCW.
Malpractice insurance for retired physicians providing health care services: RCW 43.70.460.
Master license system exemption: RCW 19.02.800.
Motor vehicles, financial responsibility: Chapter 46.29 RCW.
Nonadmitted foreign corporations--Powers relative to secured interests: Chapter 23B.18 RCW.
Officers, employees, etc.
of institutions of higher education and educational boards, insurance to protect and hold personally harmless: RCW 28B.10.840, 28B.10.844.
of school districts or educational service districts, insurance to protect and hold personally harmless: RCW 28A.320.060.
Parents--Children
actions by parents for death or injury to child: RCW 4.24.010.
liability of parents for malicious destruction of property by child: RCW 4.24.190.
Pesticide applicators--Surety bond, liability insurance: Chapter 17.21 RCW.
Principal and Income Act: Chapter 11.104 RCW.
Schools and colleges, employee insurance programs: RCW 28A.400.350, 28B.10.660.
Sureties--Release of, from liability upon bonds: RCW 19.72.109, 19.72.110, 19.72.130.
Taxation
business and occupation tax
fraternal benefit society exemption: RCW 82.04.370.
insurance exemption: RCW 82.04.320.
personal property tax--Insurer liable for where insured premises destroyed by fire: RCW 84.56.220.
Trusts for employee benefits, duration: Chapter 49.64 RCW.
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Chapter 48.01 RCW INITIAL PROVISIONS

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RCW 48.01.010 Short title.

Title 48 RCW constitutes the insurance code.

[1975 1st ex.s. c 266 § 2; 1947 c 79 § .01.01; Rem. Supp. 1947 § 45.01.01.]

Notes:

Severability--1975 1st ex.s. c 266: "If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 266 § 21.]

RCW 48.01.020 Scope of code.

All insurance and insurance transactions in this state, or affecting subjects located wholly or in part or to be performed within this state, and all persons having to do therewith are governed by this code.

[1947 c 79 § .01.02; Rem. Supp. 1947 § 45.01.02.]

RCW 48.01.030 Public interest.

The business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all

insurance matters. Upon the insurer, the insured, their providers, and their representatives rests the duty of preserving inviolate the integrity of insurance.

[1995 c 285 § 16; 1947 c 79 § .01.03; Rem. Supp. 1947 § 45.01.03.]

Notes:

Effective date--1995 c 285: See RCW 48.30A.900.

RCW 48.01.035 "Developmental disability" defined.

The term "developmental disability" as used in this title means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

[1985 c 264 § 1.]

RCW 48.01.040 "Insurance" defined.

Insurance is a contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies.

[1947 c 79 § .01.04; Rem. Supp. 1947 § 45.01.04.]

RCW 48.01.050 "Insurer" defined.

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance exchange is an "insurer" as used in this code. Two or more hospitals, as defined in *RCW 70.39.020(3), which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical liability, through a contributing trust fund shall not be deemed an "insurer" under this code. Two or more local governmental entities, as defined in **RCW 48.62.020, which pursuant to **RCW 48.62.040, **48.62.035, or any other provision of law join together and organize to form an organization for the purpose of jointly self-insuring or self-funding shall not be deemed an "insurer" under this code. Two or more persons engaged in the business of commercial fishing who enter into an arrangement with other such persons for the pooling of funds to pay claims or losses arising out of loss or damage to a vessel or machinery used in the business of commercial fishing and owned by a member of the pool shall not be deemed an "insurer" under this code.

[1990 c 130 § 1; 1985 c 277 § 9; 1979 ex.s. c 256 § 13; 1975-'76 2nd ex.s. c 13 § 1; 1947 c 79 § .01.05; Rem. Supp. 1947 § 45.01.05.]

Notes:

Reviser's note: *(1) RCW 70.39.020 was repealed by 1982 c 223 § 10, effective June 30, 1990.

***(2) RCW 48.62.020, 48.62.040, and 48.62.035 were repealed by 1991 sp.s. c 30 § 33, effective January

1, 1992.

Retrospective application--1985 c 277: "This act applies retrospectively to group self-funded plans formed on or after January 1, 1983." [1985 c 277 § 10.]

"Domestic," "foreign," "alien" insurers defined: RCW 48.05.010.

Merger, rehabilitation, liquidation situations--"Insurer" defined: RCW 48.31.020, 48.99.010.

"Reciprocal insurance, insurer" defined: RCW 48.10.010, 48.10.020.

RCW 48.01.053 "Issuer" defined.

"Issuer" as used in this title and chapter 26.18 RCW means insurer, fraternal benefit society, certified health plan, health maintenance organization, and health care service contractor.

[1995 c 34 § 1.]

RCW 48.01.060 "Insurance transaction" defined.

"Insurance transaction" includes any:

- (1) Solicitation.
- (2) Negotiations preliminary to execution.
- (3) Execution of an insurance contract.
- (4) Transaction of matters subsequent to execution of the contract and arising out of it.
- (5) Insuring.

[1947 c 79 § .01.06; Rem. Supp. 1947 § 45.01.06.]

RCW 48.01.070 "Person" defined.

"Person" means any individual, company, insurer, association, organization, reciprocal or interinsurance exchange, partnership, business trust, or corporation.

[1947 c 79 § .01.07; Rem. Supp. 1947 § 45.01.07.]

RCW 48.01.080 Penalties.

Violation of any provision of this code is punishable by a fine of not less than ten dollars nor more than one thousand dollars, or by imprisonment for not more than one year, or both fine and imprisonment, in addition to any other penalty or forfeiture provided herein or otherwise by law.

[1947 c 79 § .01.08; Rem. Supp. 1947 § 45.01.08.]

RCW 48.01.090 Severability--1947 c 79.

If any provision of this code or the application thereof to any circumstance is held invalid, the remainder of the code, or the application of the provision to other circumstances, is not affected thereby.

[1947 c 79 § .01.09; Rem. Supp. 1947 § 45.01.09.]

RCW 48.01.100 Existing officers.

Continuation by this code of any office existing under any act repealed herein preserves the tenure of the individual holding the office at the effective date of this code.

[1947 c 79 § .01.10; Rem. Supp. 1947 § 45.01.10.]

RCW 48.01.110 Existing licenses.

Every license or certificate of authority in force immediately prior to the effective date of this code and existing under any act herein repealed is valid until its original expiration date, unless earlier terminated in accordance with this code.

[1947 c 79 § .01.11; Rem. Supp. 1947 § 45.01.11.]

RCW 48.01.120 Existing insurance forms.

Every form of insurance document in use at the effective date of this code in accordance with the commissioner's approval pursuant to any act herein repealed, may continue to be so used unless the commissioner otherwise prescribes in accordance with this code.

[1947 c 79 § .01.12; Rem. Supp. 1947 § 45.01.12.]

RCW 48.01.130 Existing actions, violations.

No action or proceeding commenced, and no violation of law existing, under any act herein repealed is affected by the repeal, but all procedure hereafter taken in reference thereto shall conform to this code as far as possible.

[1947 c 79 § .01.13; Rem. Supp. 1947 § 45.01.13.]

RCW 48.01.140 Headings.

The meaning or scope of any provision is not affected by chapter, section, or paragraph headings.

[1947 c 79 § .01.14; Rem. Supp. 1947 § 45.01.14.]

RCW 48.01.150 Particular provisions prevail.

Provisions of this code relating to a particular kind of insurance or a particular type of insurer or to a particular matter prevail over provisions relating to insurance in general or insurers in general or to such matter in general.

[1947 c 79 § .01.15; Rem. Supp. 1947 § 45.01.15.]

RCW 48.01.160 Repealed acts not revived.

Repeal by this code of any act shall not revive any law heretofore repealed or superseded.

[1947 c 79 § .01.16; Rem. Supp. 1947 § 45.01.16.]

RCW 48.01.170 Effective date--1947 c 79.

This code shall become effective on the first day of October, 1947.

[1947 c 79 § .01.17; Rem. Supp. 1947 § 45.01.17.]

RCW 48.01.180 Adopted children--Insurance coverage.

(1) A child of an insured, subscriber, or enrollee shall be considered a dependent child for insurance purposes under this title upon assumption by the insured, subscriber, or enrollee of a legal obligation for total or partial support of a child in anticipation of adoption of the child. Upon the termination of such legal obligations, the child shall not be considered a dependent child for insurance purposes.

(2) Every policy or contract providing coverage for health benefits to a resident of this state shall provide coverage for dependent children placed for adoption under the same terms and conditions as apply to the natural, dependent children of the insured, subscriber, or enrollee whether or not the adoption has become final.

(3) No policy or contract may restrict coverage of any dependent child adopted by, or placed for adoption with, an insured, subscriber, or enrollee solely on the basis of a preexisting condition of the child at the time that the child would otherwise become eligible for coverage under the plan if the adoption or placement for adoption occurs while the insured, subscriber, or enrollee is eligible for coverage under the plan.

[1995 c 34 § 4; 1986 c 140 § 1.]

Notes:

Effective date, application--1986 c 140: "This act shall take effect January 1, 1987, and shall apply to all contracts or agreements issued, renewed, or delivered on or after January 1, 1987." [1986 c 140 § 6.]

Severability--1986 c 140: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 140 § 7.]

RCW 48.01.190 Immunity from civil liability.

(1) Any person who files reports, or furnishes other information, required under Title 48 RCW, required by the commissioner under authority granted by Title 48 RCW, useful to the commissioner in the administration of Title 48 RCW, or furnished to the National Association of Insurance Commissioners at the request of the commissioner or pursuant to Title 48 RCW, shall be immune from liability in any civil action or suit arising from the filing of any such report or

furnishing such information to the commissioner or the National Association of Insurance Commissioners, unless actual malice, fraud, or bad faith is shown.

(2) The commissioner and the National Association of Insurance Commissioners, and the agents and employees of each, are immune from liability in any civil action or suit arising from the publication of any report or bulletin or dissemination of information related to the official activities of the commissioner or the National Association of Insurance Commissioners, unless actual malice, fraud, or bad faith is shown.

(3) Any licensee under chapter 48.17 RCW and any trade association of the licensees under chapter 48.15 RCW, and any officer, director, employee, agent, or committee of the licensee or association who furnishes information to or for the commissioner or to or for the association regarding unauthorized insurers or regarding attempts by any person to place or actual placement by any person of business with the insurers, whether in compliance with chapter 48.15 RCW or not, shall be immune from each and every kind of liability in any civil action or suit arising in whole or in part from the information or from the furnishing of the information.

(4) The immunity granted by this section is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

[1995 c 10 § 1; 1987 c 51 § 1.]

RCW 48.01.220 Mental health regional support networks--Limited exemption.

The activities and operations of mental health regional support networks, to the extent they pertain to the operation of a medical assistance managed care system in accordance with chapters 71.24 and 74.09 RCW, are exempt from the requirements of this title.

[1993 c 462 § 104.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.01.230 Eligibility for coverage or making payments may not be contingent on eligibility for medical assistance.

An issuer and an employee welfare benefit plan, whether insured or self funded, as defined in the employee retirement income security act of 1974, 29 U.S.C. Sec. 1101 et seq. may not consider the availability of eligibility for medical assistance in this state under medical assistance, RCW 74.09.500, or any other state under 42 U.S.C. Sec. 1396a, section 1902 of the social security act, in considering eligibility for coverage or making payments under its plan for eligible enrollees, subscribers, policyholders, or certificate holders.

[1995 c 34 § 2.]

RCW 48.01.235 Enrollment of a child under the health plan of the child's parent--Requirements--Restrictions.

(1) An issuer and an employee welfare benefit plan, whether insured or self funded, as defined in the employee retirement income security act of 1974, 29 U.S.C. Sec. 1101 et seq. may not deny enrollment of a child under the health plan of the child's parent on the grounds that:

- (a) The child was born out of wedlock;
- (b) The child is not claimed as a dependent on the parent's federal tax return; or
- (c) The child does not reside with the parent or in the issuer's, or insured or self funded employee welfare benefit plan's service area.

(2) Where a child has health coverage through an issuer, or an insured or self funded employee welfare benefit plan of a noncustodial parent[,], the issuer, or insured or self funded employee welfare benefit plan, shall:

- (a) Provide such information to the custodial parent as may be necessary for the child to obtain benefits through that coverage;
- (b) Permit the provider or the custodial parent to submit claims for covered services without the approval of the noncustodial parent. If the provider submits the claim, the provider will obtain the custodial parent's assignment of insurance benefits or otherwise secure the custodial parent's approval.

For purposes of this subsection the department of social and health services as the state medicaid agency under RCW 74.09.500 may reassign medical insurance rights to the provider for custodial parents whose children are eligible for services under RCW 74.09.500; and

- (c) Make payments on claims submitted in accordance with (b) of this subsection directly to the custodial parent, to the provider, or to the department of social and health services as the state medicaid agency under RCW 74.09.500.

(3) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

(4) Where a parent is required by a court order to provide health coverage for a child, and the parent is eligible for family health coverage, the issuer, or insured or self funded employee welfare benefit plan, shall:

- (a) Permit the parent to enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions;
- (b) Enroll the child under family coverage upon application of the child's other parent, department of social and health services as the state medicaid agency under RCW 74.09.500, or child support enforcement program as defined under *RCW 26.18.170, if the parent is enrolled but fails to make application to obtain coverage for such child; and

(c) Not disenroll, or eliminate coverage of, such child who is otherwise eligible for the coverage unless the issuer or insured or self funded employee welfare benefit plan is provided satisfactory written evidence that:

- (i) The court order is no longer in effect; or

(ii) The child is or will be enrolled in comparable health coverage through another issuer, or insured or self funded employee welfare benefit plan, which will take effect not later than the effective date of disenrollment.

(5) An issuer, or insured or self funded employee welfare benefit plan, that has been assigned the rights of an individual eligible for medical assistance under medicaid and coverage for health benefits from the issuer, or insured or self funded employee welfare benefit plan, may not impose requirements on the department of social and health services that are different from requirements applicable to an agent or assignee of any other individual so covered.

[1995 c 34 § 3.]

Notes:

***Reviser's note:** "Child support enforcement program" is not defined in RCW 26.18.170. See chapter 26.18 RCW for child support enforcement generally.

RCW 48.01.250 Assistance or services in exchange for dues, assessments, or periodic or lump-sum payments--Certificate of authority required--Certain travel or automobile services excepted--Violations.

(1) Any person, firm, partnership, corporation, or association promising, in exchange for dues, assessments, or periodic or lump-sum payments, to furnish members or subscribers with assistance in matters relating to trip cancellation, bail bond service or any accident, sickness, or death insurance benefit program must:

(a) Have a certificate of authority, issued by the insurance commissioner, authorizing the person, firm, partnership, corporation, or association to sell that coverage in this state; or

(b) Purchase the service or insurance from a company that holds a certificate of authority, issued by the insurance commissioner, authorizing the company to sell that coverage in this state. If coverage cannot be procured from an authorized insurer holding a certificate of authority issued by the insurance commissioner, insurance may be procured from an unauthorized insurer subject to chapter 48.15 RCW.

(2) Travel or automobile related products or assistance including but not limited to community traffic safety service, travel and touring service, theft or reward service, map service, towing service, emergency road service, lockout or lost key service, reimbursement of emergency expenses due to a vehicle disabling accident, or legal fee reimbursement service in the defense of traffic offenses shall not be considered to be insurance for the purposes of Title 48 RCW.

(3) Violation of this section is subject to the enforcement provisions of RCW 48.02.080 and to the hearing and appeal provisions of chapter 48.04 RCW.

[1998 c 303 § 1.]

RCW 48.01.260 Health benefit plans--Carriers--Clarification.

(1) Except as required in RCW 48.21.045, 48.44.023, and 48.46.066, nothing in this title shall be construed to require a carrier, as defined in RCW 48.43.005, to offer any health benefit

plan for sale.

(2) Nothing in this title shall prohibit a carrier as defined in RCW 48.43.005 from ceasing sale of any or all health benefit plans to new applicants if the closed plans are closed to all new applicants.

(3) This section is intended to clarify, and not modify, existing law.

[2000 c 79 § 40.]

Notes:

Effective date--Severability--2000 c 79: See notes following RCW 48.04.010.

RCW 48.01.270 PACE programs--Exemption.

The activities and operations of PACE programs, as defined in RCW 74.09.523 and as authorized under sections 1894, 1905(a), and 1934 of the social security act, when registered, certified, licensed, or otherwise recognized or designated as a PACE program by the Washington state department of social and health services, are exempt from the requirements of this title.

[2001 c 191 § 3.]

NOTES:

Finding--Effective date--2001 c 191: See notes following RCW 74.09.523.

**Chapter 48.02 RCW
INSURANCE COMMISSIONER**

Sections

| | |
|-----------|---|
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NOTES:

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under workers' compensation: RCW 51.44.070.
Public bodies may retain collection agencies to collect public debts--Fees: RCW 19.16.500.
Salary of insurance commissioner: RCW 43.03.010.

RCW 48.02.010 Insurance commissioner.

(1) There shall be an insurance commissioner of this state who shall be elected at the time and in the manner that other state officers are elected.

(2) The commissioner in office at the effective date of this code shall continue in office for the remainder of the term for which he was elected and until his successor is duly elected and qualified.

(3) "Commissioner," where used in this code, means the insurance commissioner of this state.

[1947 c 79 § .02.01; Rem. Supp. 1947 § 45.02.01.]

RCW 48.02.020 Term of office.

The term of office of the commissioner shall be four years, commencing on the Wednesday after the second Monday in January after his election.

[1947 c 79 § .02.02; Rem. Supp. 1947 § 45.02.02.]

RCW 48.02.030 Bond.

Before entering upon his duties the commissioner shall execute a bond to the state in the sum of twenty-five thousand dollars, to be approved by the state treasurer and the attorney general, conditioned upon the faithful performance of the duties of his office.

[1947 c 79 § .02.03; Rem. Supp. 1947 § 45.02.03.]

RCW 48.02.050 Seal.

The official seal of the commissioner shall be a vignette of George Washington, with the words "Insurance Commissioner, State of Washington" surrounding the vignette.

[1947 c 79 § .02.05; Rem. Supp. 1947 § 45.02.05.]

RCW 48.02.060 General powers and duties.

(1) The commissioner shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his election, qualifications, or compensation. No such rules and

regulations shall be effective prior to their being filed for public inspection in the commissioner's office.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

[1947 c 79 § .02.06; Rem. Supp. 1947 § 45.02.06.]

RCW 48.02.065 Confidentiality of documents, materials, or other information.

(1) Documents, materials, or other information as described in subsection (5) of this section are confidential by law and privileged, are not subject to public disclosure under chapter 42.17 RCW, and are not subject to subpoena directed to the commissioner or any person who received documents, materials, or other information while acting under the authority of the commissioner. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The confidentiality and privilege created by this section and RCW 42.17.31916 applies only to the commissioner, any person acting under the authority of the commissioner, the national association of insurance commissioners and its affiliates and subsidiaries, regulatory and law enforcement officials of other states and nations, the federal government, and international authorities.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential and privileged documents, materials, or information subject to subsection (1) of this section.

(3) The commissioner:

(a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, if the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(b) May receive documents, materials, or information, including otherwise either confidential or privileged, or both, documents, materials, or information, from (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities and shall maintain as confidential and privileged any document, material, or information received that is either confidential or privileged, or both, under the laws of the jurisdiction that is the source of the document, material, or information; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(4) No waiver of an existing privilege or claim of confidentiality in the documents,

materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(5) Documents, materials, or information, which is either confidential or privileged, or both, which has been provided to the commissioner by (a) the national association of insurance commissioners and its affiliates and subsidiaries, (b) regulatory or law enforcement officials of other states and nations, the federal government, or international authorities, or (c) agencies of this state, is confidential and privileged only if the documents, materials, or information is protected from disclosure by the applicable laws of the jurisdiction that is the source of the document, material, or information.

[2001 c 57 § 1.]

RCW 48.02.080 Enforcement.

(1) The commissioner may prosecute an action in any court of competent jurisdiction to enforce any order made by him pursuant to any provision of this code.

(2) If the commissioner has cause to believe that any person has violated any penal provision of this code or of other laws relating to insurance he shall certify the facts of the violation to the public prosecutor of the jurisdiction in which the offense was committed.

(3) If the commissioner has cause to believe that any person is violating or is about to violate any provision of this code or any regulation or order of the commissioner, he may:

(a) issue a cease and desist order; and/or

(b) bring an action in any court of competent jurisdiction to enjoin the person from continuing the violation or doing any action in furtherance thereof.

(4) The attorney general and the several prosecuting attorneys throughout the state shall prosecute or defend all proceedings brought pursuant to the provisions of this code when requested by the commissioner.

[1967 c 150 § 1; 1947 c 79 § .02.08; Rem. Supp. 1947 § 45.02.08.]

RCW 48.02.090 Deputies--Employees.

(1) The commissioner may appoint a chief deputy commissioner, who shall have power to perform any act or duty conferred upon the commissioner. The chief deputy commissioner shall take and subscribe the same oath of office as the commissioner, which oath shall be endorsed upon the certificate of his appointment and filed in the office of the secretary of state.

(2) The commissioner may appoint additional deputy commissioners for such purposes as he may designate.

(3) The commissioner shall be responsible for the official acts of his deputies, and may revoke at will the appointment of any deputy.

(4) The commissioner may employ examiners, and such actuarial, technical, and administrative assistants and clerks as he may need for proper discharge of his duties.

(5) The commissioner, or any deputy or employee of the commissioner, shall not be interested, directly or indirectly, in any insurer except as a policyholder; except, that as to such

matters wherein a conflict of interests does not exist on the part of any such person, the commissioner may employ insurance actuaries or other technicians who are independently practicing their professions even though such persons are similarly employed by insurers.

(6) The commissioner may require any deputy or employee to be bonded as he shall deem proper but not to exceed in amount the sum of twenty-five thousand dollars. The cost of any such bond shall be borne by the state.

[1949 c 190 § 1; 1947 c 79 § .02.09; Rem. Supp. 1949 § 45.02.09.]

RCW 48.02.100 Commissioner may delegate authority.

Any power or duty vested in the commissioner by any provision of this code may be exercised or discharged by any deputy, assistant, examiner, or employee of the commissioner acting in his name and by his authority.

[1947 c 79 § .02.10; Rem. Supp. 1947 § 45.02.10.]

RCW 48.02.110 Office.

The commissioner shall have an office at the state capital, and may maintain such offices elsewhere in this state as he may deem necessary.

[1947 c 79 § .02.11; Rem. Supp. 1947 § 45.02.11.]

RCW 48.02.120 Records.

(1) The commissioner shall preserve in permanent form records of his or her proceedings, hearings, investigations, and examinations, and shall file such records in his or her office.

(2) The records of the commissioner and insurance filings in his or her office shall be open to public inspection, except as otherwise provided by this code.

(3) Actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by an insurer, health care service contractor, or health maintenance organization or submitted to the commissioner upon his or her request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.

[1985 c 264 § 2; 1979 ex.s. c 130 § 1; 1947 c 79 § .02.12; Rem. Supp. 1947 § 45.02.12.]

RCW 48.02.122 Filings or actions affecting corporate or company name--Notice to secretary of state.

Whenever any documents are filed with the insurance commissioner which affect a corporate or company name, the insurance commissioner shall immediately notify the secretary of state of the filing. If any other action is taken by the insurance commissioner which affects a corporate or company name, the insurance commissioner shall immediately notify the secretary of state of the action. The insurance commissioner shall cooperate with the secretary of state to

ascertain that there is no duplication of corporate or company names.

[1998 c 23 § 19.]

RCW 48.02.130 Certificates--Copies--Evidentiary effect.

(1) Any certificate or license issued by the commissioner shall bear the seal of his office.

(2) Copies of records or documents in his office certified to by the commissioner shall be received as evidence in all courts in the same manner and to the same effect as if they were the originals.

(3) When required for evidence in court, the commissioner shall furnish his certificate as to the authority of an insurer or other licensee in this state on any particular date, and the court shall receive the certificate in lieu of the commissioner's testimony.

[1947 c 79 § .02.13; Rem. Supp. 1947 § 45.02.13.]

RCW 48.02.140 Interstate cooperation.

(1) The commissioner shall to the extent he deems useful for the proper discharge of his responsibilities under the provisions of this code:

(a) Consult and cooperate with the public officials having supervision over insurance in other states.

(b) Share jointly with other states in the employment of actuaries, statisticians, and other insurance technicians whose services or the products thereof are made available and are useful to the participating states and to the commissioner.

(c) Share jointly with other states in establishing and maintaining offices and clerical facilities for purposes useful to the participating states and to the commissioner.

(2) All arrangements made jointly with other states under items (b) and (c) of subsection (1) of this section shall be in writing executed on behalf of this state by the commissioner. Any such arrangement, as to participation of this state therein, shall be subject to termination by the commissioner at any time upon reasonable notice.

(3) For the purposes of this code "National Association of Insurance Commissioners" means that voluntary organization of the public officials having supervision of insurance in the respective states, districts, and territories of the United States, whatever other name such organization may hereafter adopt, and in the affairs of which each of such public officials is entitled to participate subject to the constitution and bylaws of such organization.

[1947 c 79 § .02.14; Rem. Supp. 1947 § 45.02.14.]

RCW 48.02.150 Supplies--"Convention blanks."

The commissioner shall purchase at the expense of the state and in the manner provided by law:

(1) Printing, books, reports, furniture, equipment, and supplies as he deems necessary to

the proper discharge of his duties under this code.

(2) "Convention form" insurers' annual statement blanks, which he may purchase from any printer manufacturing the forms for the various states.

[1947 c 79 § .02.15; Rem. Supp. 1947 § 45.02.15.]

RCW 48.02.160 Special duties.

The commissioner shall:

(1) Obtain and publish for the use of courts and appraisers throughout the state, tables showing the average expectancy of life and values of annuities and of life and term estates.

(2) Disseminate information concerning the insurance laws of this state.

(3) Provide assistance to members of the public in obtaining information about insurance products and in resolving complaints involving insurers and other licensees.

[1988 c 248 § 1; 1947 c 79 § .02.16; Rem. Supp. 1947 § 45.02.16.]

RCW 48.02.170 Annual report.

The commissioner shall, as soon as accurate preparation enables, prepare a report of his official transactions during the preceding fiscal year, containing information relative to insurance as the commissioner deems proper.

[1987 c 505 § 53; 1977 c 75 § 69; 1947 c 79 § .02.17; Rem. Supp. 1947 § 45.02.17.]

RCW 48.02.180 Publication of insurance code and related statutes, manuals, etc.--Distribution--Sale.

(1) In addition to such publications as are otherwise authorized under this code, the commissioner may from time to time prepare and publish:

(a) Booklets containing the insurance code, or supplements thereto, and such related statutes as the commissioner deems suitable and useful for inclusion in an appendix of such booklet or supplement.

(b) Manuals and other material relative to examinations for licensing as provided in chapter 48.17 RCW.

(2) The commissioner may furnish copies of the insurance code, supplements thereto, and related statutes referred to in (1)(a) of this section free of charge to public offices and officers in this state concerned therewith, to public officials of other states and jurisdictions having supervision of insurance, to the library of congress, and to officers of the armed forces of the United States of America located at military installations in this state who are concerned with insurance transactions at or involving such military installations.

(3) Except as provided in subsection (2) of this section, the commissioner shall sell copies of the insurance code, supplements thereto, examination manuals, and materials as referred to in subsection (1) of this section, at a reasonable price, fixed by the commissioner, in

amount not less than the cost of publication, handling, and distribution thereof. The commissioner shall promptly deposit all funds received by him pursuant to this subsection with the state treasurer to the credit of the general fund. For appropriation purposes, such funds received and deposited by the commissioner shall be treated as a recovery of a previous expenditure.

[1981 c 339 § 1; 1977 c 75 § 70; 1959 c 225 § 1.]

RCW 48.02.190 Operating costs of office--Insurance commissioner's regulatory account--Contributions by insurance organizations, fees.

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to

fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees.

[1987 c 505 § 54; 1986 c 296 § 7.]

Notes:

Severability--Effective date--1986 c 296: See notes following RCW 48.14.020.

Chapter 48.03 RCW EXAMINATIONS

Sections

| | |
|-----------|---|
| 48.03.010 | Examination of insurers, bureaus. |
| 48.03.020 | Examination of agents, managers, promoters. |
| 48.03.025 | Examiners--Scope of examination--Examiners' handbook. |
| 48.03.030 | Access to records on examination--Correction of accounts. |
| 48.03.040 | Examination reports--Consideration by commissioner--Orders--Confidentiality. |
| 48.03.050 | Reports withheld. |
| 48.03.060 | Examination expense. |
| 48.03.065 | Appointments by commissioner--Examiners--Exceptions. |
| 48.03.070 | Witnesses--Subpoenas--Depositions--Oaths. |
| 48.03.075 | Legal protection for commissioner, authorized representatives, and examiners--Good faith--Attorneys' fees--Payment by commissioner. |

RCW 48.03.010 Examination of insurers, bureaus.

(1) The commissioner shall examine the affairs, transactions, accounts, records, documents, and assets of each authorized insurer as often as he or she deems advisable. The commissioner shall so examine each insurer holding a certificate of authority or certificate of registration not less frequently than every five years. Examination of an alien insurer may be limited to its insurance transactions in the United States. In scheduling and determining the nature, scope, and frequency of an examination, the commissioner shall consider such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants, and other criteria as set forth in the examiner's handbook adopted by the National Association of Insurance Commissioners and in effect when the commissioner exercises discretion under this section.

(2) As often as the commissioner deems advisable and at least once in five years, the commissioner shall fully examine each rating organization and examining bureau licensed in this state. As often as he or she deems it advisable the commissioner may examine each advisory organization and each joint underwriting or joint reinsurance group, association, or organization.

(3) The commissioner shall in like manner examine each insurer or rating organization applying for authority to do business in this state.

(4) In lieu of making an examination under this chapter, the commissioner may accept a full report of the last recent examination of a nondomestic rating or advisory organization, or joint underwriting or joint reinsurance group, association or organization, as prepared by the insurance supervisory official of the state of domicile or of entry. In lieu of an examination under this chapter of a foreign or alien insurer licensed in this state, the commissioner may accept an examination report on the company as prepared by the insurance department for the company's state of domicile or port-of-entry state until January 1, 1994. Thereafter, an examination report may be accepted only if: (a) That insurance department was at the time of the examination accredited under the National Association of Insurance Commissioners' financial regulation standards and accreditation program; or (b) the examination was performed either under the supervision of an accredited insurance department or with the participation of one or more examiners employed by an accredited state insurance department who, after a review of the examination work papers and report, state under oath that the examination was performed in a manner consistent with the standards and procedures required by their insurance department.

(5) The commissioner may elect to accept and rely on an audit report made by an independent certified public accountant for the insurer in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(6) For the purposes of completing an examination of any company under this chapter, the commissioner may examine or investigate any managing general agent or any other person, or the business of any managing general agent or other person, insofar as that examination or investigation is, in the sole discretion of the commissioner, necessary or material to the examination of the company.

[1993 c 462 § 43; 1982 c 181 § 1; 1979 c 139 § 1; 1947 c 79 § .03.01; Rem. Supp. 1947 § 45.03.01.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

Severability--1982 c 181: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 181 § 28.]

RCW 48.03.020 Examination of agents, managers, promoters.

For the purpose of ascertaining its condition, or compliance with this code, the commissioner may as often as he deems advisable examine the accounts, records, documents, and transactions of:

(1) Any insurance agent, solicitor, broker or adjuster.

(2) Any person having a contract under which he enjoys in fact the exclusive or dominant right to manage or control a stock or mutual insurer.

(3) Any person holding the shares of capital stock or policyholder proxies of a domestic insurer for the purpose of control of its management either as voting trustee or otherwise.

(4) Any person engaged in or proposing to be engaged in or assisting in the promotion or formation of a domestic insurer, or an insurance holding corporation, or a stock corporation to finance a domestic mutual insurer or the production of its business, or a corporation to be attorney in fact for a domestic reciprocal insurer.

[1947 c 79 § .03.02; Rem. Supp. 1947 § 45.03.02.]

RCW 48.03.025 Examiners--Scope of examination--Examiners' handbook.

Upon determining that an examination should be conducted, the commissioner or the commissioner's designee shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. In conducting the examination, the examiner shall observe those guidelines and procedures set forth in the examiners' handbook adopted by the National Association of Insurance Commissioners. The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

[1993 c 462 § 44.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.03.030 Access to records on examination--Correction of accounts.

(1) Every person being examined, its officers, employees, and representatives shall produce and make freely accessible to the commissioner the accounts, records, documents, and files in his possession or control relating to the subject of the examination, and shall otherwise facilitate the examination.

(2) If the commissioner finds the accounts to be inadequate, or improperly kept or posted, he may employ experts to rewrite, post or balance them at the expense of the person being examined.

[1947 c 79 § .03.03; Rem. Supp. 1947 § 45.03.03.]

RCW 48.03.040 Examination reports--Consideration by commissioner--Orders--Confidentiality.

(1) No later than sixty days after completion of each examination, the commissioner shall make a full written report of each examination made by him or her containing only facts ascertained from the accounts, records, and documents examined and from the sworn testimony of individuals, and such conclusions and recommendations as may reasonably be warranted from such facts.

(2) The report shall be certified by the commissioner or by his or her examiner in charge of the examination, and shall be filed in the commissioner's office subject to subsection (3) of this section.

(3) The commissioner shall furnish a copy of the examination report to the person examined not less than ten days and, unless the time is extended by the commissioner, not more than thirty days prior to the filing of the report for public inspection in the commissioner's office. If such person so requests in writing within such period, the commissioner shall hold a hearing to consider objections of such person to the report as proposed, and shall not so file the report until after such hearing and until after any modifications in the report deemed necessary by the commissioner have been made.

(4) Within thirty days of the end of the period described in subsection (3) of this section, unless extended by order of the commissioner, the commissioner shall consider the report, together with any written submissions or rebuttals and any relevant portions of the examiner's workpapers and enter an order:

(a) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, rule, or order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure that violation;

(b) Rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation, or information, and refiling under this section; or

(c) Calling for an investigatory hearing with no less than twenty days' notice to the company for purposes of obtaining additional documentation, data, information, and testimony.

(5) All orders entered under subsection (4) of this section must be accompanied by findings and conclusions resulting from the commissioner's consideration and review of the examination report, relevant examiner workpapers, and any written submissions or rebuttals. Such an order is considered a final administrative decision and may be appealed under the Administrative Procedure Act, chapter 34.05 RCW, and must be served upon the company by certified mail, together with a copy of the adopted examination report. A copy of the adopted examination report must be sent by certified mail to each director at the director's residence address.

(6)(a) Upon the adoption of the examination report under subsection (4) of this section, the commissioner shall continue to hold the content of the examination report as private and confidential information for a period of five days except that the order may be disclosed to the person examined. Thereafter, the commissioner may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication.

(b) Nothing in this title prohibits the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the insurance department of any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time, so long as the agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this chapter.

(c) If the commissioner determines that regulatory action is appropriate as a result of any examination, he or she may initiate any proceedings or actions as provided by law.

(d) Nothing contained in this section requires the commissioner to disclose any information or records that would indicate or show the existence or content of any investigation or activity of a criminal justice agency.

[1993 c 462 § 45; 1965 ex.s. c 70 § 1; 1947 c 79 § .03.04; Rem. Supp. 1947 § 45.03.04.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.03.050 Reports withheld.

The commissioner may withhold from public inspection any examination or investigation report for so long as he or she deems it advisable, subject to RCW 48.32.080.

[1993 c 462 § 46; 1947 c 79 § .03.05; Rem. Supp. 1947 § 45.03.05.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.03.060 Examination expense.

(1) Examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or the commissioner's examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(2) Every other examination, whatsoever, or any part of the examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by the commissioner and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(3) When making an examination under this chapter, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals and specialists as examiners, the cost of which shall be borne by the person who is the subject of the examination, except as provided in subsection (1) of this section.

(4) The person examined and liable therefor shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination. Per diem salary and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the National Association of Insurance Commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the Washington personnel resources board and the expense schedule established by the office of financial

management, whichever is higher. Domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by the commissioner.

The commissioner or the commissioner's examiners shall not receive or accept any additional emolument on account of any examination.

(5) Nothing contained in this chapter limits the commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action under the insurance laws of this state. Findings of fact and conclusions made pursuant to any examination are prima facie evidence in any legal or regulatory action.

[1995 c 152 § 2. Prior: 1993 c 462 § 47; 1993 c 281 § 55; 1981 c 339 § 2; 1979 ex.s. c 35 § 1; 1947 c 79 § .03.06; Rem. Supp. 1947 § 45.03.06.]

Notes:

Intent--1995 c 152: "The only intent of the legislature in chapter 152, Laws of 1995 is to correct double amendments. It is not the intent of the legislature to change the substance or effect of any statute previously enacted." [1995 c 152 § 1.]

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

Effective date--1993 c 281: See note following RCW 41.06.022.

RCW 48.03.065 Appointments by commissioner--Examiners--Exceptions.

(1) No examiner may be appointed by the commissioner if the examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in a person subject to examination under this chapter. This section does not automatically preclude an examiner from being:

- (a) A policyholder or claimant under an insurance policy;
- (b) A grantor of a mortgage or similar instrument on the examiner's residence to a regulated entity if done under customary terms and in the ordinary course of business;
- (c) An investment owner in shares of regulated diversified investment companies; or
- (d) A settlor or beneficiary of a blind trust into which any otherwise impermissible holdings have been placed.

(2) Notwithstanding the requirements of subsection (1) of this section, the commissioner may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though those persons may from time to time be similarly employed or retained by persons subject to examination under this chapter.

[1993 c 462 § 48.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.03.070 Witnesses--Subpoenas--Depositions--Oaths.

(1) The commissioner may take depositions, may subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to the affairs of any person being examined, or relative to the subject of any hearing or investigation: PROVIDED,

That the provisions of RCW 34.05.446 shall apply in lieu of the provisions of this section as to subpoenas relative to hearings in rule-making and adjudicative proceedings.

(2) The subpoena shall be effective if served within the state of Washington and shall be served in the same manner as if issued from a court of record.

(3) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a court of record. Witness fees, mileage, and the actual expense necessarily incurred in securing attendance of witnesses and their testimony shall be itemized, and shall be paid by the person as to whom the examination is being made, or by the person if other than the commissioner, at whose request the hearing is held.

(4) Enforcement of subpoenas shall be in accord with RCW 34.05.588.

[1989 c 175 § 112; 1967 c 237 § 15; 1963 c 195 § 1; 1949 c 190 § 2; 1947 c 79 § .03.07; Rem. Supp. 1949 § 45.03.07.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 48.03.075 Legal protection for commissioner, authorized representatives, and examiners--Good faith--Attorneys' fees--Payment by commissioner.

(1) No cause of action may arise nor may any liability be imposed against the commissioner, the commissioner's authorized representatives, or an examiner appointed by the commissioner for statements made or conduct performed in good faith while carrying out this chapter.

(2) No cause of action may arise nor may any liability be imposed against any person for the act of communicating or delivering information or data to the commissioner or the commissioner's authorized representative or examiner pursuant to an examination made under this chapter, if that act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive.

(3) This section does not modify a privilege or immunity previously enjoyed by a person identified in subsection (1) of this section.

(4) A person identified in subsection (1) of this section is entitled to an award of attorneys' fees and costs if he or she is the prevailing party in a civil cause of action for libel, slander, or any other tort arising out of activities in carrying out this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this section a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated.

(5) If a claim is made or threatened of the sort described in subsection (1) of this section, the commissioner shall provide or pay for the defense of himself or herself, the examiner or representative, and shall pay a judgment or settlement, until it is determined that the person did not act in good faith or did act with fraudulent intent or the intent to deceive.

(6) The immunity, indemnification, and other protections under this section are in addition to those now or hereafter existing under other law.

[1993 c 462 § 49.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

**Chapter 48.04 RCW
HEARINGS AND APPEALS**

Sections

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| 48.04.010 | Hearings--Waiver--Administrative law judge. |
| 48.04.020 | Stay of action. |
| 48.04.030 | Place of hearing. |
| 48.04.050 | Show cause notice. |
| 48.04.060 | Adjourned hearings. |
| 48.04.070 | Nonattendance, effect of. |
| 48.04.140 | Stay of action on appeal. |

RCW 48.04.010 Hearings--Waiver--Administrative law judge.

(1) The commissioner may hold a hearing for any purpose within the scope of this code as he or she may deem necessary. The commissioner shall hold a hearing:

(a) If required by any provision of this code; or

(b) Except under RCW 48.13.475, upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing.

(2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing.

(3) Unless a person aggrieved by a written order of the commissioner demands a hearing thereon within ninety days after receiving notice of such order, or in the case of a licensee under Title 48 RCW within ninety days after the commissioner has mailed the order to the licensee at the most recent address shown in the commissioner's licensing records for the licensee, the right to such hearing shall conclusively be deemed to have been waived.

(4) If a hearing is demanded by a licensee whose license has been temporarily suspended pursuant to RCW 48.17.540, the commissioner shall hold such hearing demanded within thirty days after receipt of the demand or within thirty days of the effective date of a temporary license suspension issued after such demand, unless postponed by mutual consent.

(5) A licensee under this title may request that a hearing authorized under this section be presided over by an administrative law judge assigned under chapter 34.12 RCW. Any such request shall not be denied.

(6) Any hearing held relating to RCW 48.20.025, 48.44.017, or 48.46.062 shall be presided over by an administrative law judge assigned under chapter 34.12 RCW.

[2000 c 221 § 8; 2000 c 79 § 1; 1990 1st ex.s. c 3 § 1; 1988 c 248 § 2; 1967 c 237 § 16; 1963 c 195 § 2; 1947 c 79 § .04.01; Rem. Supp. 1947 § 45.04.01.]

Notes:

Reviser's note: This section was amended by 2000 c 79 § 1 and by 2000 c 221 § 8, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--2000 c 79: "Except for sections 26, 38, and 39 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 23, 2000]." [2000 c 79 § 51.]

Severability--2000 c 79: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2000 c 79 § 48.]

RCW 48.04.020 Stay of action.

(1) Such demand for a hearing received by the commissioner prior to the effective date of action taken or proposed to be taken by him or her shall stay such action pending the hearing, except as to action taken or proposed

(a) under an order on hearing, or

(b) under an order pursuant to an order on hearing, or

(c) under an order to make good an impairment of the assets of an insurer, or

(d) under an order of temporary suspension of license issued pursuant to RCW 48.17.540 as now or hereafter amended.

(2) In any case where an automatic stay is not provided for, and if the commissioner after written request therefor fails to grant a stay, the person aggrieved thereby may apply to the superior court for Thurston county for a stay of the commissioner's action.

(3) A stay of action is not available for actions taken by the commissioner under RCW 48.13.475.

[2000 c 221 § 9; 1982 c 181 § 2; 1949 c 190 § 3; 1947 c 79 § .04.02; Rem. Supp. 1949 § 45.04.02.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.04.030 Place of hearing.

The hearing shall be held at the place designated by the commissioner, and at his discretion it may be open to the public.

[1947 c 79 § .04.03; Rem. Supp. 1947 § 45.04.03.]

RCW 48.04.050 Show cause notice.

If any person is entitled to a hearing by any provision of this code before any proposed action is taken, the notice of the proposed action may be in the form of a notice to show cause

stating that the proposed action may be taken unless such person shows cause at a hearing to be held as specified in the notice, why the proposed action should not be taken, and stating the basis of the proposed action.

[1947 c 79 § .04.05; Rem. Supp. 1947 § 45.04.05.]

RCW 48.04.060 Adjourned hearings.

The commissioner may adjourn any hearing from time to time and from place to place without other notice of the adjourned hearing than announcement thereof at the hearing.

[1947 c 79 § .04.06; Rem. Supp. 1947 § 45.04.06.]

RCW 48.04.070 Nonattendance, effect of.

The validity of any hearing held in accordance with the notice thereof shall not be affected by failure of any person to attend or to remain in attendance.

[1947 c 79 § .04.07; Rem. Supp. 1947 § 45.04.07.]

RCW 48.04.140 Stay of action on appeal.

(1) The taking of an appeal shall not stay any action taken or proposed to be taken by the commissioner under the order appealed from unless a stay is granted by the court at a hearing held as part of the proceedings on appeal.

(2) A stay shall not be granted by the court in any case where the granting of a stay would tend to injure the public interest. In granting a stay, the court may require of the person taking the appeal such security or other conditions as it deems proper.

[1988 c 248 § 3; 1947 c 79 § .04.14; Rem. Supp. 1947 § 45.04.14.]

**Chapter 48.05 RCW
INSURERS--GENERAL REQUIREMENTS**

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Agents, brokers, solicitors, and adjusters: Chapter 48.17 RCW.

Deposit of insurers: Chapter 48.16 RCW.

Federal home loan bank as depositary: RCW 30.32.040.

Fees and taxes: Chapter 48.14 RCW.

Health care services: Chapter 48.44 RCW.

Insuring powers and capital funds required: Chapter 48.11 RCW.

Interlocking ownership, management: RCW 48.30.250.

Policy forms, execution, filing, etc.: Chapter 48.18 RCW.

Rates and rating organizations: Chapter 48.19 RCW.

Stamping bureau: RCW 48.19.410.

Unauthorized insurers: Chapter 48.15 RCW.

Unfair practices: Chapter 48.30 RCW.

RCW 48.05.010 "Domestic," "foreign," "alien" insurers defined.

(1) A "domestic" insurer is one formed under the laws of this state.

(2) A "foreign" insurer is one formed under the laws of the United States, of a state or territory of the United States other than this state, or of the District of Columbia.

(3) An "alien" insurer is one formed under the laws of a nation other than the United States.

(4) For the purposes of this code, "United States," when used to signify place, means only the states of the United States, the government of Puerto Rico and the District of Columbia.

[1961 c 194 § 1; 1947 c 79 § .05.01; Rem. Supp. 1947 § 45.05.01.]

Notes:

"Insurer" defined: RCW 48.01.050.

RCW 48.05.030 Certificate of authority required.

(1) No person shall act as an insurer and no insurer shall transact insurance in this state other than as authorized by a certificate of authority issued to it by the commissioner and then in force; except, as to such transactions as are expressly otherwise provided for in this code.

(2) Every certificate of authority shall specify the name of the insurer, the location of its principal office, the name and location of the principal office of its attorney in fact if a reciprocal insurer, and the kind or kinds of insurance it is authorized to transact in this state.

(3) The investigation and adjustment of any claim in this state arising under an insurance contract issued by an unauthorized insurer, shall not be deemed to constitute the transacting of insurance in this state.

[1947 c 79 § .05.03; Rem. Supp. 1947 § 45.05.03.]

RCW 48.05.040 Certificate of authority--Qualifications.

To qualify for and hold a certificate of authority an insurer must:

(1) Be a stock, mutual, or reciprocal insurer of the same general type as may be formed as a domestic insurer under the provisions of chapter 48.06 RCW of this code, but this requirement shall not apply as to domestic mutual property insurers which, as of January 1, 1957, were lawfully transacting insurance on the assessment plan; and

(2) Have capital funds as required by this code, based upon the type and domicile of the insurer and the kinds of insurance proposed to be transacted; and

(3) Transact or propose to transact in this state insurances authorized by its charter, and only such insurance as meets the standards and requirements of this code; and

(4) Fully comply with, and qualify according to, the other provisions of this code.

[1957 c 193 § 1; 1947 c 79 § .05.04; Rem. Supp. 1947 § 45.05.04.]

RCW 48.05.045 Certificate of authority not to be issued to governmentally owned insurer.

No certificate of authority shall be issued to or exist with respect to any insurer which is owned and controlled, in whole or in substantial part, by any government or governmental agency.

[1957 c 193 § 2.]

RCW 48.05.050 "Charter" defined.

"Charter" means articles of incorporation, articles of agreement, articles of association of a corporation, or other basic constituent document of a corporation, or subscribers' agreement and attorney in fact agreement of a reciprocal insurer.

[1947 c 79 § .05.05; Rem. Supp. 1947 § 45.05.05.]

RCW 48.05.060 "Capital funds" defined.

"Capital funds" means the excess of the assets of an insurer over its liabilities. Capital stock, if any, shall not be deemed to be a liability for the purposes of this section.

[1947 c 79 § .05.06; Rem. Supp. 1947 § 45.05.06.]

RCW 48.05.070 Application for certificate of authority.

To apply for an original certificate of authority an insurer shall:

(1) File with the commissioner its request therefor showing:

(a) Its name, home office location, type of insurer, organization date, and state or country of its domicile.

(b) The kinds of insurance it proposes to transact.

(c) Additional information as the commissioner may reasonably require.

(2) File with the commissioner:

(a) A copy of its charter as amended, certified, if a foreign or alien insurer, by the proper public officer of the state or country of domicile.

(b) A copy of its bylaws, certified by its proper officer.

(c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the commissioner.

(d) If a foreign or alien insurer, or a domestic reciprocal insurer, an appointment of the commissioner as its attorney to receive service of legal process.

(e) If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its proper officer.

(f) If a foreign or alien insurer, a certificate from the proper public official of its state or country of domicile showing that it is duly organized and is authorized to transact the kinds of insurance proposed to be transacted.

(g) If a domestic reciprocal insurer, the declaration required by RCW 48.10.090 of this code.

(h) Other documents or stipulations as the commissioner may reasonably require to evidence compliance with the provisions of this code.

(3) Deposit with the commissioner the fees required by this code to be paid for filing the accompanying documents, and for the certificate of authority, if granted.

[1947 c 79 § .05.07; Rem. Supp. 1947 § 45.05.07.]

RCW 48.05.073 Filing of financial statements.

Every insurer holding a certificate of authority from the commissioner shall file its financial statements as required by this code and by the commissioner in accordance with the accounting practices and procedures manuals as adopted by the national association of insurance commissioners, unless otherwise provided by law.

[1999 c 33 § 1.]

RCW 48.05.080 Foreign insurers--Deposit.

(1) Prior to the issuance of a certificate of authority to a foreign insurer, it shall make a deposit of assets with the commissioner for the protection of all its policyholders, or of all of its policyholders and obligees or its policyholders and obligees within the United States, in amount and kind, subject to RCW 48.14.040, the same as is required of a like domestic insurer transacting like kinds of insurance.

(2) In lieu of such deposit or part thereof the commissioner may accept the certificate of the public official having supervision over insurers in any other state to the effect that a like

deposit by such insurer or like part thereof in equal or greater amount is held in public custody in such state.

[1955 c 86 § 1; 1947 c 79 § .05.08; Rem. Supp. 1947 § 45.05.08.]

Notes:

Effective date--1955 c 86: "This act shall become effective on January 1, 1956." [1955 c 86 § 18.]

Supervision of transfers--1955 c 86: "All transfers authorized under this act shall be made under the supervision of the state auditor." [1955 c 86 § 19.]

RCW 48.05.090 Alien insurers--Assets required--Trust deposit.

(1) An alien insurer shall not be authorized to transact insurance in this state unless it maintains within the United States assets in amount not less than its outstanding liabilities arising out of its insurance transactions in the United States, nor unless it maintains a trust deposit in an amount not less than the required reserves under its policies resulting from such transactions (after deducting, in the case of a life insurer, the amount of outstanding policy loans on such policies) plus assets equal to the larger of the following sums:

(a) The largest amount of deposit required under this title to be made in this state by any type of domestic insurer transacting like kinds of insurance; or

(b) Two hundred thousand dollars.

(2) The trust deposit shall be for the security of all policyholders or policyholders and obligees of the insurer in the United States. It shall not be subject to diminution below the amount currently determined in accordance with subsection (1) of this section so long as the insurer has outstanding any liabilities arising out of its business transacted in the United States.

(3) The trust deposit shall be maintained with public depositories or trust institutions within the United States approved by the commissioner.

[1949 c 190 § 4; 1947 c 79 § .05.09; Rem. Supp. 1949 § 45.05.09.]

RCW 48.05.100 Alien insurers--Deposit resolution.

An alien insurer shall file with the commissioner a certified copy of the resolution of its governing board by which the trust deposit was established, together with a certified copy of any trust agreement under which the deposit is held.

[1947 c 79 § .05.10; Rem. Supp. 1947 § 45.05.10.]

RCW 48.05.105 Foreign or alien insurers--Three years active transacting required--Exception.

No certificate of authority shall be granted to a foreign or alien applicant that has not actively transacted for three years the classes of insurance for which it seeks to be admitted; except, the foregoing shall not apply to any subsidiary of a seasoned, reputable insurer that has held a certificate of authority in this state for at least three years.

[1967 c 150 § 2.]

RCW 48.05.110 Issuance of certificate of authority.

If the commissioner finds that an insurer has met the requirements for and is fully entitled thereto under this code, he shall issue to it a proper certificate of authority. If the commissioner does not so find, the authority shall be refused within a reasonable length of time following completion by the insurer of the application therefor.

[1947 c 79 § .05.11; Rem. Supp. 1947 § 45.05.11.]

RCW 48.05.120 Certificate of authority--Duration, renewal, amendment.

(1) All certificates of authority shall continue in force until suspended, revoked, or not renewed. A certificate shall be subject to renewal annually on the first day of July upon application of the insurer and payment of the fee therefor. If not so renewed, the certificate shall expire as of the thirtieth day of June next preceding.

(2) The commissioner may amend a certificate of authority at any time in accordance with changes in the insurer's charter or insuring powers.

[1957 c 193 § 3; 1955 c 31 § 1; 1947 c 79 § .05.12; Rem. Supp. 1947 § 45.05.12.]

RCW 48.05.130 Certificate of authority--Mandatory refusal, revocation, suspension.

The commissioner shall refuse to renew or shall revoke or suspend an insurer's certificate of authority, in addition to other grounds therefor in this code, if the insurer:

(1) Is a foreign or alien insurer and no longer qualifies or meets the requirements for the authority; or, is a domestic mutual or domestic reciprocal insurer, and fails to make good a deficiency of assets as required by the commissioner.

(2) Is a domestic stock insurer and has assets less in amount than its liabilities, including its capital stock as a liability, and has failed to make good such deficiency as required by the commissioner.

(3) Knowingly exceeds its charter powers or its certificate of authority.

[1947 c 79 § .05.13; Rem. Supp. 1947 § 45.05.13.]

RCW 48.05.140 Certificate of authority--Discretionary refusal, revocation, suspension.

The commissioner may refuse, suspend, or revoke an insurer's certificate of authority, in addition to other grounds therefor in this code, if the insurer:

(1) Fails to comply with any provision of this code other than those for violation of which refusal, suspension, or revocation is mandatory, or fails to comply with any proper order or regulation of the commissioner.

(2) Is found by the commissioner to be in such condition that its further transaction of insurance in this state would be hazardous to policyholders and the people in this state.

(3) Refuses to remove or discharge a director or officer who has been convicted of any

crime involving fraud, dishonesty, or like moral turpitude.

(4) Usually compels claimants under policies either to accept less than the amount due them or to bring suit against it to secure full payment of the amount due.

(5) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another insurer which transacts insurance in this state without having a certificate of authority therefor, except as is permitted by this code.

(6) Refuses to be examined, or if its directors, officers, employees or representatives refuse to submit to examination or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(7) Fails to pay any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before final determination, whichever date is the later.

(8) Is found by the commissioner, after investigation or upon receipt of reliable information, to be managed by persons, whether by its directors, officers, or by any other means, who are incompetent or untrustworthy or so lacking in insurance company managerial experience as to make a proposed operation hazardous to the insurance-buying public; or that there is good reason to believe it is affiliated directly or indirectly through ownership, control, reinsurance or other insurance or business relations, with any person or persons whose business operations are or have been marked, to the detriment of policyholders or stockholders or investors or creditors or of the public, by bad faith or by manipulation of assets, or of accounts, or of reinsurance.

(9) Does business through agents or brokers in this state or in any other state who are not properly licensed under applicable laws and duly enacted regulations adopted pursuant thereto.

[1973 1st ex.s. c 152 § 1; 1969 ex.s. c 241 § 3; 1967 c 150 § 4; 1947 c 79 § .05.14; Rem. Supp. 1947 § 45.04.14.]

Notes:

Severability--1973 1st ex.s. c 152: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 152 § 7.]

RCW 48.05.150 Notice of intention to refuse, revoke, or suspend.

The commissioner shall give an insurer notice of his intention to suspend, revoke, or refuse to renew its certificate of authority not less than ten days before the order of suspension, revocation or refusal is to become effective; except that no advance notice of intention is required where the order results from a domestic insurer's failure to make good a deficiency of assets as required by the commissioner.

[1947 c 79 § .05.15; Rem. Supp. 1947 § 45.05.15.]

RCW 48.05.160 Period of suspension.

The commissioner shall not suspend an insurer's certificate of authority for a period in excess of one year, and he shall state in his order of suspension the period during which it shall be effective.

[1947 c 79 § .05.16; Rem. Supp. 1947 § 45.05.16.]

RCW 48.05.170 Reauthorization, limitation upon.

No insurer whose certificate of authority has been suspended, revoked, or refused shall subsequently be authorized unless the grounds for such suspension, revocation, or refusal no longer exist and the insurer is otherwise fully qualified.

[1947 c 79 § .05.17; Rem. Supp. 1947 § 45.05.17.]

RCW 48.05.180 Notice of refusal, revocation, suspension--Effect upon agents' authority.

Upon the suspension, revocation or refusal of an insurer's certificate of authority, the commissioner shall give notice thereof to the insurer and shall likewise suspend, revoke or refuse the authority of its agents to represent it in this state and give notice thereof to the agents.

[1947 c 79 § .05.18; Rem. Supp. 1947 § 45.05.18.]

RCW 48.05.185 Fine in addition or in lieu of suspension, revocation, or refusal.

After hearing or with the consent of the insurer and in addition to or in lieu of the suspension, revocation, or refusal to renew any certificate of authority the commissioner may levy a fine upon the insurer in an amount not less than two hundred fifty dollars and not more than ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid and which period shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the commissioner shall revoke the certificate of authority of the insurer if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

[1980 c 102 § 1; 1975 1st ex.s. c 266 § 3; 1965 ex.s. c 70 § 3.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.05.190 Name of insurer.

- (1) Every insurer shall conduct its business in its own legal name.
- (2) No insurer shall assume or use a name deceptively similar to that of any other authorized insurer.

[1947 c 79 § .05.19; Rem. Supp. 1947 § 45.05.19.]

RCW 48.05.200 Commissioner as attorney for service of process--Exception.

(1) Each authorized foreign or alien insurer shall appoint the commissioner as its attorney to receive service of, and upon whom shall be served, all legal process issued against it in this state upon causes of action arising within this state. Service upon the commissioner as attorney shall constitute service upon the insurer. Service of legal process against such insurer can be had only by service upon the commissioner, except actions upon contractor bonds pursuant to RCW 18.27.040, where service may be upon the department of labor and industries.

(2) With the appointment the insurer shall designate by name and address the person to whom the commissioner shall forward legal process so served upon him or her. The insurer may change such person by filing a new designation.

(3) The appointment of the commissioner as attorney shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the insurer, and shall remain in effect as long as there is in force in this state any contract made by the insurer or liabilities or duties arising therefrom.

[1985 c 264 § 3; 1947 c 79 § .05.20; Rem. Supp. 1947 § 45.05.20.]

RCW 48.05.210 Service of process--Procedure.

(1) Duplicate copies of legal process against an insurer for whom the commissioner is attorney shall be served upon him either by a person competent to serve a summons, or by registered mail. At the time of service the plaintiff shall pay to the commissioner ten dollars, taxable as costs in the action.

(2) The commissioner shall forthwith send one of the copies of the process, by registered mail with return receipt requested, to the person designated for the purpose by the insurer in its most recent such designation filed with the commissioner.

(3) The commissioner shall keep a record of the day and hour of service upon him of all legal process. No proceedings shall be had against the insurer, and the insurer shall not be required to appear, plead, or answer until the expiration of forty days after the date of service upon the commissioner.

[1981 c 339 § 3; 1947 c 79 § .05.21; Rem. Supp. 1947 § 45.05.21.]

RCW 48.05.215 Unauthorized foreign or alien insurers--Jurisdiction of state courts--Service of process--Procedure.

(1) Any foreign or alien insurer not thereunto authorized by the commissioner, whether it be a surplus lines insurer operating under chapter 48.15 RCW or not, who, by mail or otherwise, solicits insurance business in this state or transacts insurance business in this state as defined by RCW 48.01.060, thereby submits itself to the jurisdiction of the courts of this state in any action,

suit or proceeding instituted by or on behalf of an insured, beneficiary or the commissioner arising out of such unauthorized solicitation of insurance business, including, but not limited to, an action for injunctive relief by the commissioner.

(2) In any such action, suit or proceeding instituted by or on behalf of an insured or beneficiary, service of legal process against such unauthorized foreign or alien insurer may be made by service of duplicate copies of legal process on the commissioner by a person competent to serve a summons or by registered mail. At the time of service the plaintiff shall pay to the commissioner ten dollars, taxable as costs in the action. The commissioner shall forthwith mail one of the copies of the process, by registered mail with return receipt requested, to the defendant at its last known principal place of business. The defendant insurer shall have forty days from the date of the service on the commissioner within which to plead, answer or otherwise defend the action.

(3) In any such action, suit or proceeding by the commissioner, service of legal process against such unauthorized foreign or alien insurer may be made by personal service of legal process upon any officer of such insurer at its last known principal place of business outside the state of Washington. The summons upon such unauthorized foreign or alien insurer shall contain the same requisites and be served in like manner as personal summons within the state of Washington; except, the insurer shall have forty days from the date of such personal service within which to plead, answer or otherwise defend the action.

[1981 c 339 § 4; 1967 c 150 § 3.]

RCW 48.05.220 Venue of actions against insurer.

Suit upon causes of action arising within this state against an insurer upon an insurance contract shall be brought in the county where the cause of action arose.

[1947 c 79 § .05.22; Rem. Supp. 1947 § 45.05.22.]

RCW 48.05.250 Annual statement.

(1) Each authorized insurer shall annually, before the first day of March, file with the commissioner a true statement of its financial condition, transactions, and affairs as of the thirty-first day of December preceding. The statement forms shall be in general form and context as approved by the National Association of Insurance Commissioners for the kinds of insurance to be reported upon, and as supplemented for additional information required by this code and by the commissioner. The statement shall be verified by the oaths of at least two of the insurer's officers.

(2) The annual statement of an alien insurer shall relate only to its transactions and affairs in the United States unless the commissioner requires otherwise. The statement shall be verified by the insurer's United States manager or by its officers duly authorized.

(3) The commissioner shall suspend or revoke the certificate of authority of any insurer failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

[1983 c 85 § 1; 1947 c 79 § .05.25; Rem. Supp. 1947 § 45.05.25.]

Notes:

Advertising of financial condition: RCW 48.30.070.

Assets and liabilities: Chapter 48.12 RCW.

False financial statements: RCW 48.30.030.

RCW 48.05.270 Alien insurer--Capital funds, determination.

(1) The capital funds of an alien insurer shall be deemed to be the amount by which its assets, deposited and otherwise held as provided in RCW 48.05.090 exceed its liabilities with respect to its business transacted in the United States.

(2) Assets of such insurer held in any state for the special protection of policyholders and obligees in such state shall not constitute assets of the insurer for the purposes of this code. Liabilities of the insurer so secured by such assets, but not exceeding the amount of such assets, may be deducted in computing the insurer's liabilities for the purpose of this section.

[1947 c 79 § .05.27; Rem. Supp. 1947 § 45.05.27.]

RCW 48.05.280 Records and accounts of insurers.

Every insurer shall keep full and adequate accounts and records of its assets, obligations, transactions, and affairs.

[1947 c 79 § .05.28; Rem. Supp. 1947 § 45.05.28.]

RCW 48.05.290 Withdrawal of insurer--Reinsurance.

(1) No insurer shall withdraw from this state until its direct liability to its policyholders and obligees under all its insurance contracts then in force in this state has been assumed by another authorized insurer under an agreement approved by the commissioner. In the case of a life insurer, its liability pursuant to contracts issued in this state in settlement of proceeds under its policies shall likewise be so assumed.

(2) The commissioner may waive this requirement if he finds upon examination that a withdrawing insurer is then fully solvent and that the protection to be given its policyholders in this state will not be impaired by the waiver.

(3) The assuming insurer shall within a reasonable time replace the assumed insurance contracts with its own, or by endorsement thereon acknowledge its liability thereunder.

[1947 c 79 § .05.29; Rem. Supp. 1947 § 45.05.29.]

RCW 48.05.310 General agents, managers--Appointment--Powers--Licensing.

(1) An insurer appointing any person as its general agent or manager to represent it as such in this state shall file notice of the appointment with the commissioner on forms prescribed

and furnished by the commissioner.

(2) Any such general agent or manager shall have such authority, consistent with this code, as may be conferred by the insurer. A general agent resident in this state and licensed, as in this section provided, may exercise the powers conferred by this code upon agents licensed for the kinds of insurance which the general agent is authorized to transact for the insurer so appointing him.

(3) Any such general agent may accept applications for insurance from licensed agents who are not appointed by the insurer of such general agent where the risk involved is placed in a nonstandard or specialty market of an authorized insurer as defined by regulation of the commissioner. Such nonstandard or specialty business shall not be bound by any agent not appointed by the insurer. A general agent may supply such licensed, nonappointed agent with material to write nonstandard or specialty insurance business including, but not limited to, applications for insurance, underwriting criteria, and rates. A general agent shall not provide any licensed, nonappointed agent with indicia of authority to bind an insurance risk and the general agent and nonappointed agent shall provide written disclaimers of binding authority to an applicant or prospective insured in such form as prescribed by the commissioner.

(4) The appointment of a resident general agent shall not be effective unless the person so appointed is licensed as the general agent of such insurer by the commissioner upon application and payment of the fee therefor as provided in RCW 48.14.010.

(5) A general agent's license and its renewal shall be in accordance with chapter 48.17 RCW as applicable to agents and brokers.

(6) The commissioner may deny, suspend, or revoke any such license for any cause specified in RCW 48.17.530 and in the manner provided in RCW 48.17.540.

[1995 c 338 § 1; 1982 c 181 § 17; 1947 c 79 § .05.31; Rem. Supp. 1947 § 45.05.31.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.05.320 Reports of fire losses.

(1) Each authorized insurer shall promptly report to the chief of the Washington state patrol, through the director of fire protection, upon forms as prescribed and furnished by him or her, each fire loss of property in this state reported to it and whether the loss is due to criminal activity or to undetermined causes.

(2) Each such insurer shall likewise report to the chief of the Washington state patrol, through the director of fire protection, upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner.

[1995 c 369 § 24; 1986 c 266 § 66; 1985 c 470 § 16; 1947 c 79 § .05.32; Rem. Supp. 1947 § 45.05.32.]

Notes:

Effective date--1995 c 369: See note following RCW 43.43.930.

Severability--1986 c 266: See note following RCW 38.52.005.

Severability--Effective date--1985 c 470: See notes following RCW 48.48.030.

RCW 48.05.330 Insurers--Combination of kinds of insurance authorized--Exceptions.

An insurer which otherwise qualifies therefor may be authorized to transact any one kind or combinations of kinds of insurance as defined in chapter 48.11 RCW, except:

(1) A life insurer may grant annuities and may be authorized to transact in addition only disability insurance; except, that the commissioner may, if the insurer otherwise qualifies therefor, continue so to authorize any life insurer which immediately prior to June 13, 1963 was lawfully authorized to transact in this state a kind or kinds of insurance in addition to life and disability insurances and annuity business.

(2) A reciprocal insurer shall not transact life insurance.

(3) A title insurer shall be a stock insurer and shall not transact any other kind of insurance. This provision shall not prohibit the ceding of reinsurance by a title insurer to insurers other than mutual or reciprocal insurers.

[1963 c 195 § 6.]

RCW 48.05.340 Capital and surplus requirements.

(1) Subject to RCW 48.05.350 and 48.05.360 to qualify for authority to transact any one kind of insurance as defined in chapter 48.11 RCW or combination of kinds of insurance as shown below, a foreign or alien insurer, whether stock or mutual, or a domestic insurer hereafter formed shall possess unimpaired paid-in capital stock, if a stock insurer, or unimpaired surplus if a mutual insurer, and additional funds in surplus, as follows, and shall thereafter maintain unimpaired a combined total of: (a) The paid-in capital stock if a stock insurer or surplus if a mutual insurer, plus (b) such additional funds in surplus equal to the total of the following initial requirements:

| Kind or kinds of insurance | Paid-in capital stock or basic surplus | Additional surplus |
|---|--|-----------------------|
| Life | \$2,000,000 | \$2,000,000 |
| Disability | 2,000,000 | 2,000,000 |
| Life and disability | 2,400,000 | 2,400,000 |
| Property | 2,000,000 | 2,000,000 |
| Marine & transportation . | 2,000,000 | 2,000,000 |
| General casualty | 2,400,000 | 2,400,000 |
| Vehicle | 2,000,000 | 2,000,000 |
| Surety | 2,000,000 | 2,000,000 |
| Any two of the following kinds of insurance: Property, marine & | | |

| | | |
|--|-----------|-----------|
| transportation, general casualty, vehicle, surety, disability | 3,000,000 | 3,000,000 |
| Multiple lines (all insurances except life and title insurance) . . | 3,000,000 | 3,000,000 |
| Title (in accordance with the provisions of chapter 48.29 RCW) | | |

(2) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer wherever it may operate or propose to operate, whether or not only a portion of such kinds are to be transacted in this state.

(3) Until December 31, 1996, a foreign or alien insurer holding a certificate of authority to transact insurance in this state immediately prior to June 9, 1994, may continue to be authorized to transact the same kinds of insurance as long as it is otherwise qualified for such authority. A domestic insurer holding a certificate of authority to transact insurance in this state immediately prior to June 9, 1994, may continue to be authorized to transact the same kinds of insurance as long as it is otherwise qualified for such an authority and thereafter maintains unimpaired the amount of paid-in capital stock, if a stock insurer, or basic surplus, if a mutual or reciprocal insurer, and special or additional surplus as required of it under laws in force immediately prior to June 9, 1994.

[1995 c 83 § 14; 1994 c 171 § 1; 1993 c 462 § 50; 1991 sp.s. c 5 § 1; 1982 c 181 § 3; 1980 c 135 § 1; 1967 c 150 § 5; 1963 c 195 § 7.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

Effective date--1991 sp.s. c 5: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 sp.s. c 5 § 3.]

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.05.350 General casualty insurer combining disability, fidelity, insurance.

An insurer authorized to transact general casualty insurance shall be authorized to transact disability insurance and fidelity insurance without requiring additional financial qualifications.

[1963 c 195 § 8.]

RCW 48.05.360 Special surplus requirements for certain combinations.

An insurer shall not be authorized to transact any one of the following

insurances,--vehicle, or general casualty, or marine and transportation, or surety,--with any additional kind of insurance unless it maintains at all times special surplus of not less than one hundred thousand dollars in addition to the paid-in capital stock if a stock insurer or basic surplus if a mutual or reciprocal insurer otherwise required. This section does not apply to combinations transacted by a general casualty insurer pursuant to RCW 48.05.350.

[1963 c 195 § 9.]

RCW 48.05.370 Fiduciary relationship to insurer of officers, directors or corporation holding controlling interest.

Officers and directors of an insurer or a corporation holding a controlling interest in an insurer shall be deemed to stand in a fiduciary relation to the insurer, and shall discharge the duties of their respective positions in good faith, and with that diligence, care and skill which ordinary prudent men would exercise under similar circumstances in like positions.

[1969 ex.s. c 241 § 1.]

RCW 48.05.380 Reports by property and casualty insurers--Rules.

The insurance commissioner shall promulgate rules requiring insurers who are authorized to write property and casualty insurance in the state of Washington to record and report their Washington state loss and expense experiences and other data, as required by RCW 48.05.390.

[1986 c 148 § 1; 1985 c 238 § 1.]

Notes:

Effective date--1985 c 238: "The requirements of RCW 48.05.380 and 48.05.390 shall commence with the year-end report for the reporting period ending December 31, 1986. In addition, the data required under RCW 48.05.390 shall be provided for the years 1975 through 1985 and shall be filed with the commissioner on or before March 1, 1986." [1985 c 238 § 3.]

Severability--1985 c 238: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 238 § 4.]

RCW 48.05.390 Reports by various insurers--Contents.

(1) The report required by RCW 48.05.380 shall include the types of insurance written by the insurer for policies pertaining to:

(a) Medical malpractice for physicians and surgeons, hospitals, other health care professions, and other health care facilities individually;

(b) Products liability. However, if comparable information is included in the annual statement required by RCW 48.05.250, products liability data must not be reported under RCW 48.05.380;

(c) Attorneys' malpractice;

(d) Architects' and engineers' malpractice;

- (e) Municipal liability; and
- (f) Day care center liability.

(2) The report shall include the following data by the type of insurance for the previous year ending on the thirty-first day of December:

- (a) Direct premiums written;
- (b) Direct premiums earned;
- (c) Net investment income, including net realized capital gain and losses, using appropriate estimates where necessary;
- (d) Incurred claims, development as the sum of the following:
 - (i) Dollar amount of claims closed with payments; plus
 - (ii) Reserves for reported claims at the end of the current year; minus
 - (iii) Reserves for reported claims at the end of the previous year; plus
 - (iv) Reserves for incurred but not reported claims at the end of the current year; minus
 - (v) Reserves for incurred but not reported claims at the end of the previous year; plus
 - (vi) Reserves for loss adjustment expense at the end of the current year; minus
 - (vii) Reserves for loss adjustment expense at the end of the previous year.
- (e) Actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, advertising, general office expenses, taxes, licenses and fees, and all other expenses;
- (f) Net underwriting gain or loss;
- (g) Net operation gain or loss, including net investment income; and
- (h) Other information requested by the insurance commissioner.

(3) The report shall be filed annually with the commissioner, no later than the first day of May.

[1994 c 131 § 7; 1988 c 248 § 6; 1986 c 148 § 2; 1985 c 238 § 2.]

Notes:

Effective date--Severability--1985 c 238: See notes following RCW 48.05.380.

RCW 48.05.400 Annual filing and fee to National Association of Insurance Commissioners--Penalty.

(1) Each domestic, foreign, and alien insurer that is authorized to transact insurance in this state shall annually, on or before March 1 of each year, file with the National Association of Insurance Commissioners a copy of its annual statement convention blank, along with such additional filings as prescribed by the commissioner for the preceding year. The information filed with the National Association of Insurance Commissioners shall be in the same format and scope as that required by the commissioner and shall include the signed jurate page and the actuarial certification. Any amendments and addendums to the annual statement filing subsequently filed with the commissioner shall also be filed with the National Association of Insurance Commissioners.

(2) Coincident with the filing of its annual statement convention blank and other filings, each such insurer shall pay a reasonable fee directly to the National Association of Insurance

Commissioners in an amount approved by the commissioner to cover the costs associated with the analysis of the annual statement convention blank.

(3) Foreign insurers that are domiciled in a state which has a law substantially similar to subsection (1) of this section shall be considered to be in compliance with this section.

(4) In the absence of actual malice, members of the National Association of Insurance Commissioners, their duly authorized committees, subcommittees, and task forces, their delegates, National Association of Insurance Commissioners employees, and all other persons charged with the responsibility of collecting, reviewing, analyzing, and disseminating the information developed from the filing of the annual statement convention blanks shall be acting as agents of the commissioner under the authority of this section and shall not be subject to civil liability for libel, slander, or any other cause of action by virtue of their collection, review, and analysis or dissemination of the data and information collected for the filings required under this section.

(5) The commissioner may suspend, revoke, or refuse to renew the certificate of authority of any insurer failing to file its annual statement or pay the fees when due or within any extension of time which the commissioner, for good cause, may have granted.

[1987 c 132 § 1.]

RCW 48.05.410 Health care practitioner risk management training.

Effective July 1, 1994, each health care provider, facility, or health maintenance organization that self-insures for liability risks related to medical malpractice and employs physicians or other independent health care practitioners in Washington state shall condition each physician's and practitioner's liability coverage by that entity upon that physician's or practitioner's participation in risk management training offered by the provider, facility, or health maintenance organization to its employees. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with those adverse health outcomes that do occur. For purposes of this section, "independent health care practitioner" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to *RCW 18.130.330.

[1993 c 492 § 414.]

Notes:

***Reviser's note:** RCW 18.130.330 was repealed by 1995 c 265 § 27, effective July 1, 1995.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 48.05.430 Definitions.

As used in RCW 48.05.430 through 48.05.490, these terms have the following meanings:

(1) "RBC" means risk-based capital.

(2) "NAIC" means the national association of insurance commissioners.

(3) "Domestic insurer" means any insurance company domiciled in this state.

(4) "Foreign or alien insurer" means any insurance company that is licensed to do business in this state under this chapter but is not domiciled in this state.

(5) "Life and disability insurer" means any insurance company authorized to write only life insurance, disability insurance, or both, as defined in chapter 48.11 RCW.

(6) "Property and casualty insurer" means any insurance company authorized to write only property insurance, marine and transportation insurance, general casualty insurance, vehicle insurance, or any combination thereof, including disability insurance, as defined in chapter 48.11 RCW.

(7) "Corrective order" means an order issued by the commissioner specifying corrective actions that the commissioner has determined are required.

(8) "Negative trend" means, with respect to a life insurer, a disability insurer, or a life and disability insurer, the negative trend over a period of time, as determined in accordance with the trend test calculation included in the RBC instructions.

(9) "Adjusted RBC report" means an RBC report that has been adjusted by the commissioner in accordance with RCW 48.05.435(5).

(10) "RBC instructions" means the RBC report including risk-based capital instructions adopted by the NAIC.

(11) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(a) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(b) "Regulatory action level RBC" means the product [of] 1.5 and its authorized control level RBC;

(c) "Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(d) "Mandatory control level RBC" means the product of .70 and the authorized control level RBC.

(12) "RBC plan" means a comprehensive financial plan containing the elements specified in RCW 48.05.440(2). If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(13) "RBC report" means the report required in RCW 48.05.435.

(14) "Total adjusted capital" means the sum of:

(a) An insurer's statutory capital and surplus as determined in accordance with statutory accounting applicable to the annual financial statements required to be filed under RCW 48.05.250; and

(b) Other items, if any, as the RBC instructions may provide.

[1995 c 83 § 1.]

reports adjusted by commissioner.

(1) Every domestic insurer shall, on or prior to the filing date, which is hereby established as March 1, prepare and submit to the commissioner a report of its RBC levels as of the end of the calendar year just ended, in a form and containing that information required by the RBC instructions. In addition, every domestic insurer shall file its RBC report:

(a) With the NAIC in accordance with the RBC instructions; and

(b) With the insurance commissioner in any state in which the insurer is authorized to do business, if the insurance commissioner has notified the insurer of its request in writing, in which case the insurer shall file its RBC report not later than the later of:

(i) Fifteen days from the receipt of notice to file its RBC report with that state; or

(ii) The filing date.

(2) A life and disability insurer's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account and may adjust for the covariance between:

(a) The risk with respect to the insurer's assets;

(b) The risk of adverse insurance experience with respect to the insurer's liabilities and obligations;

(c) The interest rate risk with respect to the insurer's business; and

(d) All other business risks and other relevant risks as are set forth in the RBC instructions; determined in each case by applying the factors in the manner set forth in the RBC instructions.

(3) A property and casualty insurer's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account and may adjust for the covariance between:

(a) Asset risk;

(b) Credit risk;

(c) Underwriting risk; and

(d) All other business risks and other relevant risks as are set forth in the RBC instructions; determined in each case by applying the factors in the manner set forth in the RBC instructions.

(4) An excess of capital over the amount produced by the RBC requirements and the formulas, schedules, and instructions under RCW 48.05.430 through 48.05.490 is desirable in the business of insurance. Accordingly, insurers should seek to maintain capital above the RBC levels required. Additional capital is used and useful in the insurance business and helps to secure an insurer against various risks inherent in, or affecting, the business of insurance and not accounted for or only partially measured by the RBC requirements.

(5) If a domestic insurer files an RBC report that in the judgment of the commissioner is inaccurate, then the commissioner shall adjust the RBC report to correct the inaccuracy and shall notify the insurer of the adjustment. The notice shall contain a statement of the reason for the adjustment.

[1995 c 83 § 2.]

RCW 48.05.440 Company action level event--Definition--RBC plan--Commissioner's review.

- (1) "Company action level event" means any of the following events:
 - (a) The filing of an RBC report by an insurer indicating that:
 - (i) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC, but less than its company action level RBC; or
 - (ii) If a life and disability insurer, the insurer has total adjusted capital that is greater than or equal to its company action level RBC, but less than the product of its authorized control level RBC and 2.5 and has a negative trend;
 - (b) The notification by the commissioner to the insurer of an adjusted RBC report that indicates an event in (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under RCW 48.05.460; or
 - (c) If, under RCW 48.05.460, an insurer challenges an adjusted RBC report that indicates an event in (a) of this subsection, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.
- (2) In the event of a company action level event, the insurer shall prepare and submit to the commissioner an RBC plan that:
 - (a) Identifies the conditions that contribute to the company action level event;
 - (b) Contains proposals of corrective actions that the insurer intends to take and would be expected to result in the elimination of the company action level event;
 - (c) Provides projections of the insurer's financial results in the current year and at least the four succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital, and surplus. The projections for both new and renewal business might include separate projections for each major line of business and separately identify each significant income, expense, and benefit component;
 - (d) Identifies the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; and
 - (e) Identifies the quality of, and problems associated with, the insurer's business, including but not limited to its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business, and use of reinsurance, if any, in each case.
- (3) The RBC plan shall be submitted:
 - (a) Within forty-five days of the company action level event; or
 - (b) If the insurer challenges an adjusted RBC report under RCW 48.05.460, within forty-five days after notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.
- (4) Within sixty days after the submission by an insurer of an RBC plan to the commissioner, the commissioner shall notify the insurer whether the RBC plan may be implemented or is, in the judgment of the commissioner, unsatisfactory. If the commissioner determines the RBC plan is unsatisfactory, the notification to the insurer shall set forth the

reasons for the determination, and may set forth proposed revisions that will render the RBC plan satisfactory. Upon notification from the commissioner, the insurer shall prepare a revised RBC plan, that may incorporate by reference any revisions proposed by the commissioner, and shall submit the revised RBC plan to the commissioner:

(a) Within forty-five days after the notification from the commissioner; or

(b) If the insurer challenges the notification from the commissioner under RCW 48.05.460, within forty-five days after a notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(5) In the event of a notification by the commissioner to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the commissioner may, subject to the insurer's rights to a hearing under RCW 48.05.460, specify in the notification that the notification constitutes a regulatory action level event.

(6) Every domestic insurer that files an RBC plan or revised RBC plan with the commissioner shall file a copy of the RBC plan or revised RBC plan with the insurance commissioner in any state in which the insurer is authorized to do business if:

(a) The state has an RBC provision substantially similar to RCW 48.05.465(1); and

(b) The insurance commissioner of that state has notified the insurer of its request for the filing in writing, in which case the insurer shall file a copy of the RBC plan or revised RBC plan in that state no later than the later of:

(i) Fifteen days after the receipt of notice to file a copy of its RBC plan or revised plan with the state; or

(ii) The date on which the RBC plan or revised RBC plan is filed under subsections (3) and (4) of this section.

[1995 c 83 § 3.]

RCW 48.05.445 Regulatory action level event--Definition--Commissioner's duties--Corrective actions.

(1) "Regulatory action level event" means, with respect to any insurer, any of the following events:

(a) The filing of an RBC report by the insurer indicating that the insurer's total adjusted capital is greater than or equal to its authorized control level RBC but less than its regulatory action level RBC;

(b) The notification by the commissioner to an insurer of an adjusted RBC report that indicates the event in (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under RCW 48.05.460;

(c) If, under RCW 48.05.460, the insurer challenges an adjusted RBC report that indicates the event in (a) of this subsection, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge;

(d) The failure of the insurer to file an RBC report by the filing date, unless the insurer has provided an explanation for such failure that is satisfactory to the commissioner and has cured the failure within ten days after the filing date;

(e) The failure of the insurer to submit an RBC plan to the commissioner within the time period set forth in RCW 48.05.440(3);

(f) Notification by the commissioner to the insurer that:

(i) The RBC plan or revised RBC plan submitted by the insurer is, in the judgment of the commissioner, unsatisfactory; and

(ii) The notification constitutes a regulatory action level event with respect to the insurer, provided the insurer has not challenged the determination under RCW 48.05.460;

(g) If, under RCW 48.05.460, the insurer challenges a determination by the commissioner under (f) of this subsection, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the challenge;

(h) Notification by the commissioner to the insurer that the insurer has failed to adhere to its RBC plan or revised RBC plan, but only if the failure has a substantial adverse effect on the ability of the insurer to eliminate the company action level event in accordance with its RBC plan or revised RBC plan and the commissioner has so stated in the notification, provided the insurer has not challenged the determination under RCW 48.05.460; or

(i) If, under RCW 48.05.460, the insurer challenges a determination by the commissioner under (h) of this subsection, the notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the challenge.

(2) In the event of a regulatory action level event the commissioner shall:

(a) Require the insurer to prepare and submit an RBC plan or, if applicable, a revised RBC plan;

(b) Perform the examination or analysis the commissioner deems necessary of the assets, liabilities, and operations of the insurer including a review of its RBC plan or revised RBC plan; and

(c) Subsequent to the examination or analysis, issue an order specifying those corrective actions the commissioner determines are required.

(3) In determining corrective actions, the commissioner may take into account those factors deemed relevant with respect to the insurer based upon the commissioner's examination or analysis of the assets, liabilities, and operations of the insurer, including, but not limited to, the results of any sensitivity tests undertaken under the RBC instructions. The RBC plan or revised RBC plan shall be submitted:

(a) Within forty-five days after the occurrence of the regulatory action level event;

(b) If the insurer challenges an adjusted RBC report under RCW 48.05.460, and the challenge is not frivolous in the judgment of the commissioner, within forty-five days after the notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge; or

(c) If the insurer challenges a revised RBC plan under RCW 48.05.460, and the challenge is not frivolous in the judgment of the commissioner, within forty-five days after the notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(4) The commissioner may retain actuaries and investment experts and other consultants as may be necessary in the judgment of the commissioner to review the insurer's RBC plan or revised RBC plan, examine or analyze the assets, liabilities, and operations of the insurer and

formulate the corrective order with respect to the insurer. The fees, costs, and expenses relating to consultants shall be borne by the affected insurer or other party as directed by the commissioner.

[1995 c 83 § 4.]

RCW 48.05.450 Authorized control level event--Definition--Commissioner's duties.

(1) "Authorized control level event" means any of the following events:

(a) The filing of an RBC report by the insurer indicating that the insurer's total adjusted capital is greater than or equal to its mandatory control level RBC but less than its authorized control level RBC;

(b) The notification by the commissioner to the insurer of an adjusted RBC report that indicates the event in (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under RCW 48.05.460;

(c) If, under RCW 48.05.460, the insurer challenges an adjusted RBC report that indicates the event in (a) of this subsection, notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge;

(d) The failure of the insurer to respond, in a manner satisfactory to the commissioner, to a corrective order, provided the insurer has not challenged the corrective order under RCW 48.05.460; or

(e) If the insurer has challenged a corrective order under RCW 48.05.460 and the commissioner has, after a hearing, rejected the challenge or modified the corrective order, the failure of the insurer to respond, in a manner satisfactory to the commissioner, to the corrective order subsequent to rejection or modification by the commissioner.

(2) In the event of an authorized control level event with respect to an insurer, the commissioner shall:

(a) Take those actions required under RCW 48.05.445 regarding an insurer with respect to which a regulatory action level event has occurred; or

(b) If the commissioner deems it to be in the best interests of the policyholders and creditors of the insurer and of the public, take those actions necessary to cause the insurer to be placed under regulatory control under chapter 48.31 RCW. In the event the commissioner takes these actions, the authorized control level event is sufficient grounds for the commissioner to take action under chapter 48.31 RCW, and the commissioner has the rights, powers, and duties with respect to the insurer as are set forth in chapter 48.31 RCW. In the event the commissioner takes actions under this subsection pursuant to an adjusted RBC report, the insurer is entitled to those protections afforded to insurers under RCW 48.31.121 pertaining to summary proceedings.

[1995 c 83 § 5.]

RCW 48.05.455 Mandatory control level event--Definition--Commissioner's duties.

(1) "Mandatory control level event" means any of the following events:

(a) The filing of an RBC report indicating that the insurer's total adjusted capital is less

than its mandatory control level RBC;

(b) Notification by the commissioner to the insurer of an adjusted RBC report that indicates the event in (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under RCW 48.05.460; or

(c) If, under RCW 48.05.460, the insurer challenges an adjusted RBC report that indicates the event in (a) of this subsection, notification by the commissioner to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(2) In the event of a mandatory control level event:

(a) With respect to a life and disability insurer, the commissioner shall take those actions necessary to place the insurer under regulatory control under chapter 48.31 RCW. In that event, the mandatory control level event is sufficient grounds for the commissioner to take action under chapter 48.31 RCW, and the commissioner has the rights, powers, and duties with respect to the insurer as are set forth in chapter 48.31 RCW. If the commissioner takes actions pursuant to an adjusted RBC report, the insurer is entitled to the protections of RCW 48.31.121 pertaining to summary proceedings. However, the commissioner may forego action for up to ninety days after the mandatory control level event if the commissioner finds there is a reasonable expectation that the mandatory control level event may be eliminated within the ninety-day period.

(b) With respect to a property and casualty insurer, the commissioner shall take those actions necessary to place the insurer under regulatory control under chapter 48.31 RCW, or, in the case of an insurer that is writing no business and that is running-off its existing business, may allow the insurer to continue its run-off under the supervision of the commissioner. In either event, the mandatory control level event is sufficient grounds for the commissioner to take action under chapter 48.31 RCW and the commissioner has the rights, powers, and duties with respect to the insurer as are set forth in chapter 48.31 RCW. If the commissioner takes actions pursuant to an adjusted RBC report, the insurer is entitled to the protections of RCW 48.31.121 pertaining to summary proceedings. However, the commissioner may forego action for up to ninety days after the mandatory control level event if the commissioner finds there is a reasonable expectation that the mandatory control level event may be eliminated within the ninety-day period.

[1995 c 83 § 6.]

RCW 48.05.460 Insurer's right to a hearing--Request--Commissioner sets date.

(1) Upon notification to an insurer by the commissioner of any of the following, the insurer shall have the right to a hearing, in accordance with chapters 48.04 and 34.05 RCW, at which the insurer may challenge any determination or action by the commissioner:

(a) Of an adjusted RBC report; or

(b)(i) That the insurer's RBC plan or revised RBC plan is unsatisfactory; and

(ii) The notification constitutes a regulatory action level event with respect to such insurer; or

(c) That the insurer has failed to adhere to its RBC plan or revised RBC plan and that such failure has a substantial adverse effect on the ability of the insurer to eliminate the company

action level event with respect to the insurer in accordance with its RBC plan or revised RBC plan; or

(d) Of a corrective order with respect to the insurer.

(2) The insurer shall notify the commissioner of its request for a hearing within five days after the notification by the commissioner under this section. Upon receipt of the insurer's request for a hearing, the commissioner shall set a date for the hearing. The date shall be no less than ten nor more than thirty days after the date of the insurer's request.

[1995 c 83 § 7.]

RCW 48.05.465 Confidentiality of RBC reports and plans--Use of information for comparative purposes--Use of information to monitor solvency.

(1) All RBC reports, to the extent the information is not required to be set forth in a publicly available annual statement schedule, and RBC plans, including the results or report of any examination or analysis of an insurer and any corrective order issued by the commissioner, with respect to any domestic insurer or foreign insurer that are filed with the commissioner constitute information that might be damaging to the insurer if made available to its competitors, and therefore shall be kept confidential by the commissioner. This information shall not be made public or be subject to subpoena, other than by the commissioner and then only for the purpose of enforcement actions taken by the commissioner.

(2) The comparison of an insurer's total adjusted capital to any of its RBC levels is a regulatory tool that may indicate the need for possible corrective action with respect to the insurer, and is not a means to rank insurers generally. Therefore, except as otherwise required under the provisions of RCW 48.05.430 through 48.05.490, the making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing an assertion, representation, or statement with regard to the RBC levels of any insurer, or of any component derived in the calculation, by any insurer, agent, broker, or other person engaged in any manner in the insurance business would be misleading and is therefore prohibited. However, if any materially false statement with respect to the comparison regarding an insurer's total adjusted capital to its RBC levels, or any of them, or an inappropriate comparison of any other amount to the insurer's RBC levels is published in any written publication and the insurer is able to demonstrate to the commissioner with substantial proof the falsity of such statement, or the inappropriateness, as the case may be, then the insurer may publish an announcement in a written publication if the sole purpose of the announcement is to rebut the materially false statement.

(3) The RBC instructions, RBC reports, adjusted RBC reports, RBC plans, and revised RBC plans are solely for use by the commissioner in monitoring the solvency of insurers and the need for possible corrective action with respect to insurers and shall not be used by the commissioner for ratemaking nor considered or introduced as evidence in any rate proceeding

nor used by the commissioner to calculate or derive any elements of an appropriate premium level or rate of return for any line of insurance that an insurer or any affiliate is authorized to write.

[1995 c 83 § 8.]

RCW 48.05.470 Regulation of capital and surplus requirements is supplemental--Commissioner may grant exemptions.

(1) The provisions of RCW 48.05.430 through 48.05.490 are supplemental to any other provisions of the laws of this state, and shall not preclude or limit any other powers or duties of the commissioner under those laws, including, but not limited to, chapter 48.31 RCW.

(2) The commissioner may exempt any domestic property and casualty insurer from RCW 48.05.430 through 48.05.490, if the insurer:

- (a) Writes direct business only in this state;
- (b) Writes direct annual premiums of two million dollars or less; and
- (c) Assumes no reinsurance in excess of five percent of direct premiums written.

[1995 c 83 § 9.]

RCW 48.05.475 RBC report from foreign or alien insurers--Request of commissioner--Commissioner's options.

(1) Any foreign or alien insurer shall, upon the written request of the commissioner, submit to the commissioner an RBC report as of the end of the calendar year just ended by the later of:

(a) The date an RBC report would be required to be filed by a domestic insurer under RCW 48.05.435; or

(b) Fifteen days after the request is received by the foreign or alien insurer. Any foreign or alien insurer shall, at the written request of the commissioner, promptly submit to the commissioner a copy of any RBC plan that is filed with the insurance commissioner of any other state.

(2) In the event of a company action level event, regulatory action level event, or authorized control level event with respect to any foreign or alien insurer as determined under the RBC statute applicable in the state of domicile of the insurer or, if no RBC statute is in force in that state, under the provisions of RCW 48.05.430 through 48.05.490, if the insurance commissioner of the state of domicile of the foreign or alien insurer fails to require the foreign or alien insurer to file an RBC plan in the manner specified under that state's RBC statute, the commissioner may require the foreign or alien insurer to file an RBC plan. In this event, the failure of the foreign or alien insurer to file an RBC plan is grounds to order the insurer to cease and desist from writing new insurance business in this state.

(3) In the event of a mandatory control level event with respect to any foreign or alien insurer, if no domiciliary receiver has been appointed with respect to the foreign or alien insurer under the rehabilitation and liquidation statute applicable in the state of domicile of the foreign

or alien insurer, the commissioner may apply for an order under RCW 48.31.080 or 48.31.090 to conserve the assets within this state of foreign or alien insurers, and the occurrence of the mandatory control level event is considered adequate grounds for the application.

[1995 c 83 § 10.]

RCW 48.05.480 No liability for regulation of capital and surplus requirements.

There is no liability on the part of, and no cause of action may arise against, the commissioner or insurance department or its employees or agents for any action taken by them in the performance of their powers and duties under RCW 48.05.430 through 48.05.490.

[1995 c 83 § 11.]

RCW 48.05.485 Notices by commissioner--When effective.

All notices by the commissioner to an insurer that may result in regulatory action are effective upon dispatch if transmitted by registered or certified mail, or in the case of any other transmission are effective upon the insurer's receipt of the notice.

[1995 c 83 § 12.]

RCW 48.05.490 RBC reports for 1995--Requirements.

For RBC reports required by property and casualty insurers for 1995, the following requirements apply in lieu of RCW 48.05.440 through 48.05.455:

(1) In the event of a company action level event with respect to a domestic insurer, the commissioner shall take no regulatory action.

(2) In the event of a regulatory action level event under RCW 48.05.445(1) (a), (b), or (c) the commissioner shall take the actions required under RCW 48.05.440.

(3) In the event of a regulatory action level event under RCW 48.05.445(1) (d), (e), (f), (g), (h), or (i) or an authorized control level event, the commissioner shall take the actions required under RCW 48.05.445.

(4) In the event of a mandatory control level event with respect to an insurer, the commissioner shall take the actions required under RCW 48.05.450.

[1995 c 83 § 13.]

RCW 48.05.510 Disclosure of certain material transactions--Insurer's report--Information is confidential.

(1) Every insurer domiciled in this state shall file a report with the commissioner disclosing material acquisitions and dispositions of assets or material nonrenewals, cancellations, or revisions of ceded reinsurance agreements unless these acquisitions and dispositions of assets or material nonrenewals, cancellations, or revisions of ceded reinsurance agreements have been

submitted to the commissioner for review, approval, or information purposes under other provisions of this title or other requirements.

(2) The report required in subsection (1) of this section is due within fifteen days after the end of the calendar month in which any of the transactions occur.

(3) One complete copy of the report, including any exhibits or other attachments filed as part of the report, shall be filed with the:

(a) Commissioner; and

(b) National association of insurance commissioners.

(4) All reports obtained by or disclosed to the commissioner under this section and RCW 48.05.515 through 48.05.535 are exempt from public inspection and copying and are not subject to subpoena. These reports shall not be made public by the commissioner, the national association of insurance commissioners, or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer that would be affected by disclosure notice and a hearing under chapter 48.04 RCW, determines that the interest of policyholders, shareholders, or the public will be served by the publication, in which event the commissioner may publish all or any part of the report in the manner he or she deems appropriate.

[1995 c 86 § 1.]

RCW 48.05.515 Material acquisitions or dispositions.

No acquisitions or dispositions of assets need be reported under RCW 48.05.510 if the acquisitions or dispositions are not material. For purposes of RCW 48.05.510 through 48.05.535, a material acquisition, or the aggregate of any series of related acquisitions during any thirty-day period; or disposition, or the aggregate of any series of related dispositions during any thirty-day period is an acquisition or disposition that is nonrecurring and not in the ordinary course of business and involves more than five percent of the reporting insurer's total assets as reported in its most recent statutory statement filed with the commissioner.

[1995 c 86 § 2.]

RCW 48.05.520 Asset acquisitions--Asset dispositions.

(1) Asset acquisitions subject to RCW 48.05.510 through 48.05.535 include every purchase, lease, exchange, merger, consolidation, succession, or other acquisition other than the construction or development of real property by or for the reporting insurer or the acquisition of materials for such a purpose.

(2) Asset dispositions subject to RCW 48.05.510 through 48.05.535 include every sale, lease, exchange, merger, consolidation, mortgage, hypothecation, abandonment, destruction, other disposition, or assignment, whether the assignment is for the benefit of creditors or otherwise.

[1995 c 86 § 3.]

RCW 48.05.525 Report of a material acquisition or disposition of assets--Information required.

(1) The following information is required to be disclosed in any report of a material acquisition or disposition of assets:

- (a) Date of the transaction;
- (b) Manner of acquisition or disposition;
- (c) Description of the assets involved;
- (d) Nature and amount of the consideration given or received;
- (e) Purpose of or reason for the transaction;
- (f) Manner by which the amount of consideration was determined;
- (g) Gain or loss recognized or realized as a result of the transaction; and
- (h) Names of the persons from whom the assets were acquired or to whom they were disposed.

(2) Insurers are required to report material acquisitions and dispositions on a nonconsolidated basis unless the insurer is part of a consolidated group of insurers that utilizes a pooling arrangement or one hundred percent reinsurance agreement that affects the solvency and integrity of the insurer's reserves and such an insurer ceded substantially all of its direct and assumed business to the pool. An insurer has ceded substantially all of its direct and assumed business to a pool if the insurer has less than one million dollars total direct plus assumed written premiums during a calendar year that are not subject to a pooling arrangement and the net income of the business not subject to the pooling arrangement represents less than five percent of the insurer's capital and surplus.

[1995 c 86 § 4.]

RCW 48.05.530 Material nonrenewals, cancellations, or revisions of ceded reinsurance agreements.

(1) No nonrenewals, cancellations, or revisions of ceded reinsurance agreements need be reported under RCW 48.05.510 if the nonrenewals, cancellations, or revisions are not material. For purposes of RCW 48.05.510 through 48.05.535, a material nonrenewal, cancellation, or revision is one that affects:

- (a) More than fifty percent of a property and casualty insurer's total ceded written premium;
- (b) More than fifty percent of the property and casualty insurer's total ceded indemnity and loss adjustment reserves;
- (c) More than fifty percent of a nonproperty and casualty insurer's total reserve credit taken for business ceded, on an annualized basis, as indicated in the insurer's most recent annual statement;
- (d) More than ten percent of an insurer's total cession when it is replaced by one or more unauthorized reinsurers; or

(e) Previously established collateral requirements, when they have been reduced or waived as respects one or more unauthorized reinsurers representing collectively more than ten percent of a total cession.

(2) However, a filing is not required if:

(a) A property and casualty insurer's total ceded written premium represents, on an annualized basis, less than ten percent of its total written premium for direct and assumed business; or

(b) A nonproperty and casualty insurer's total reserve credit taken for business ceded represents, on an annualized basis, less than ten percent of the statutory reserve requirement prior to any cession.

[1995 c 86 § 5.]

RCW 48.05.535 Report of a material nonrenewal, cancellation, or revision of ceded reinsurance agreements--Information required.

(1) The following is required to be disclosed in any report of a material nonrenewal, cancellation, or revision of ceded reinsurance agreements:

(a) The effective date of the nonrenewal, cancellation, or revision;

(b) The description of the transaction with an identification of the initiator;

(c) The purpose of or reason for the transaction; and

(d) If applicable, the identity of the replacement reinsurers.

(2) Insurers are required to report all material nonrenewals, cancellations, or revisions of ceded reinsurance agreements on a nonconsolidated basis unless the insurer is part of a consolidated group of insurers that utilizes a pooling arrangement or one hundred percent reinsurance agreement that affects the solvency and integrity of the insurer's reserves and the insurer ceded substantially all of its direct and assumed business to the pool. An insurer has ceded substantially all of its direct and assumed business to a pool if the insurer has less than one million dollars total direct plus assumed written premiums during a calendar year that are not subject to a pooling arrangement and the net income of the business not subject to the pooling arrangement represents less than five percent of the insurer's capital and surplus.

[1995 c 86 § 6.]

RCW 48.05.900 Severability--1995 c 83.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1995 c 83 § 15.]

Chapter 48.06 RCW

ORGANIZATION OF DOMESTIC INSURERS

Sections

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| 48.06.150 | Payment for subscriptions--Forfeiture. |
| 48.06.160 | Insurance applications--Mutual and reciprocal insurers. |
| 48.06.170 | Procedure on failure to complete organization or to qualify. |
| 48.06.180 | Subsequent financing. |
| 48.06.190 | Penalty for exhibiting false accounts, etc. |
| 48.06.200 | Incorporation, articles of--Contents. |

RCW 48.06.010 Types of domestic insurers permitted.

An insurer formed in this state shall be either

- (1) An incorporated stock insurer, or
- (2) An incorporated mutual insurer, or
- (3) An incorporated specific risks mutual property insurer, or
- (4) An incorporated mutual assessment property insurer only, or
- (5) An incorporated farm mutual assessment property insurer only, or
- (6) A reciprocal insurer, with respective powers, duties, and restrictions as provided in

this code.

[1947 c 79 § .06.01; Rem. Supp. 1947 § 45.06.01.]

RCW 48.06.020 Assessment mutuals prohibited--Exceptions.

No insurer shall be formed or be authorized in this state to issue contracts of insurance the performance of which is contingent upon the payment of assessments, assessment premiums, or calls made upon its members. Mutual assessment property insurers and farm mutual assessment property insurers shall be the only exception to this provision.

[1947 c 79 § .06.02; Rem. Supp. 1947 § 45.06.02.]

RCW 48.06.030 Solicitation permit.

(1) No person forming or proposing to form in this state an insurer, or insurance holding corporation, or stock corporation to finance an insurer or insurance production therefor, or corporation to manage an insurer, or corporation to be attorney in fact for a reciprocal insurer, or a syndicate for any of such purposes, shall advertise, or solicit or receive any funds, agreement, stock subscription, or membership on account thereof unless he has applied for and has received from the commissioner a solicitation permit.

(2) Any person violating this section shall be subject to a fine of not more than ten thousand dollars or imprisonment for not more than ten years, or by both fine and imprisonment.

[1947 c 79 § .06.03; Rem. Supp. 1947 § 45.06.03.]

RCW 48.06.040 Application for solicitation permit.

To apply for a solicitation permit the person shall:

- (1) File with the commissioner a request therefor showing,
 - (a) name, type, and purpose of insurer, corporation or syndicate proposed to be formed;
 - (b) names, addresses, fingerprints, and business records of each person associated or to be associated in the formation of the proposed insurer, corporation, or syndicate;
 - (c) full disclosure of the terms of all understandings and agreements existing or proposed among persons so associated relative to the proposed insurer, corporation, or syndicate, or the formation thereof;
 - (d) the plan according to which solicitations are to be made;
 - (e) such additional information as the commissioner may reasonably require.
- (2) File with the commissioner,
 - (a) original and copies in triplicate of proposed articles of incorporation, or syndicate agreement; or, if the proposed insurer is a reciprocal, original and duplicate of the proposed subscribers' agreement and attorney in fact agreement;
 - (b) original and duplicate copy of any proposed bylaws;
 - (c) copy of any security proposed to be issued and copy of application or subscription agreement therefor;
 - (d) copy of any insurance contract proposed to be offered and copy of application therefor;
 - (e) copy of any prospectus, advertising, or literature proposed to be used;
 - (f) copy of proposed form of any escrow agreement required.
- (3) Deposit with the commissioner the fees required by law to be paid for the application, for filing of the articles of incorporation of an insurer, for filing the subscribers' agreement and attorney in fact agreement if the proposed insurer is a reciprocal, for the solicitation permit, if granted, and for filing articles of incorporation with the secretary of state.

[1967 c 150 § 6; 1947 c 79 § .06.04; Rem. Supp. 1947 § 45.06.04.]

RCW 48.06.050 Procedure upon application.

The commissioner shall expeditiously examine the application for a solicitation permit and make any investigation relative thereto deemed necessary. If the commissioner finds that

- (1) the application is complete; and
- (2) the documents therewith filed are equitable in terms and proper in form; and
- (3) the management of the company, whether by its directors, officers, or by any other means is competent and trustworthy and not so lacking in managerial experience as to make a proposed operation hazardous to the insurance-buying public; and that there is no reason to believe the company is affiliated, directly or indirectly, through ownership, control, reinsurance, or other insurance or business relations, with any other person or persons whose business operations are or have been marked, to the detriment of the policyholders or stockholders or investors or creditors or of the public, by bad faith or by manipulation of assets, or of accounts, or of reinsurance; and
- (4) the agreements made or proposed are equitable to present and future shareholders, subscribers, members or policyholders, he shall give notice to the applicant that he will issue a solicitation permit, stating the terms to be contained therein, upon the filing of the bond required by RCW 48.06.110 of this code.

If the commissioner does not so find, he shall give notice to the applicant that the permit will not be granted, stating the grounds therefor, and shall refund to the applicant all sums so deposited except the application fee.

[1967 c 150 § 7; 1947 c 79 § .06.05; Rem. Supp. 1947 § 45.06.05.]

RCW 48.06.060 Issuance of permit--Bond.

Upon the filing of the bond required by RCW 48.06.110 after notice by the commissioner, the commissioner shall:

- (1) File the articles of incorporation of the proposed incorporated insurer or other corporation; and
- (2) Issue to the applicant a solicitation permit.

[1998 c 23 § 1; 1947 c 79 § .06.06; Rem. Supp. 1947 § 45.06.06.]

RCW 48.06.070 Duration of permit--Contents.

Every solicitation permit issued by the commissioner shall:

- (1) Be for a period of not over two years, subject to the right of the commissioner to grant a reasonable extension for good cause.
- (2) State the securities for which subscriptions are to be solicited, the number, classes, par value, and selling price thereof, or identify the insurance contract for which applications and advance premiums or deposits are to be solicited.
- (3) Limit the portion of funds received on account of stock or syndicate subscriptions, if any are proposed to be taken, which may be used for promotion and organization expenses to

such amount as he deems adequate, but in no event to exceed fifteen percent of such funds as and when actually received.

(4) If to be a mutual or reciprocal insurer, limit the portion of funds received on account of applications for insurance which may be used for promotion or organization expenses to a reasonable commission upon such funds, giving consideration to the kind of insurance and policy involved and to the costs incurred by insurers generally in the production of similar business, and provide that no such commission shall be deemed to be earned nor be paid until the insurer has received its certificate of authority and the policies applied for and upon which such commission is to be based, have been actually issued and delivered.

(5) Contain such other information required by this chapter or reasonable conditions relative to accounting and reports or otherwise as the commissioner deems necessary.

[1953 c 197 § 1; 1947 c 79 § .06.07; Rem. Supp. 1947 § 45.06.07.]

RCW 48.06.080 Permit as inducement.

The granting of a solicitation permit is permissive only and shall not constitute an endorsement by the commissioner of any person or thing related to the proposed insurer, corporation, or syndicate and the existence of the permit shall not be advertised or used as an inducement in any solicitation. The substance of this section in bold faced type not less than ten point shall be printed at the top of each solicitation permit.

[1947 c 79 § .06.08; Rem. Supp. 1947 § 45.06.08.]

RCW 48.06.090 Solicitors' licenses.

Solicitation for sale of securities to members of the public under a solicitation permit shall be made only by individuals licensed therefor pursuant to the provisions of the securities act.

[1949 c 190 § 5; 1947 c 79 § .06.09; Rem. Supp. 1949 § 45.06.09.]

RCW 48.06.100 Modification, revocation of permit.

(1) The commissioner may, for cause, modify a solicitation permit, or may, after a hearing, revoke any solicitation permit for violation of any provision of this code, or of the terms of the permit, or of any proper order of the commissioner, or for misrepresentation.

(2) The commissioner shall revoke a solicitation permit if requested in writing by a majority of the syndicate members, or by a majority of the incorporators and two-thirds of the subscribers to stock or applicants for insurance in the proposed incorporated insurer or corporation, or if he is so requested by a majority of the subscribers of a proposed reciprocal insurer.

[1947 c 79 § .06.10; Rem. Supp. 1947 § 45.06.10.]

RCW 48.06.110 Bond--Cash deposit.

(1) The commissioner shall not issue a solicitation permit until the person applying therefor files with him a corporate surety bond in the penalty of fifty thousand dollars, in favor of the state and for the use and benefit of the state and of subscribers and creditors of the proposed organization.

The bond shall be conditioned upon the payment of costs incurred by the state in event of any legal proceedings for liquidation or dissolution of the proposed organization before completion of organization or in event a certificate of authority is not granted; and upon a full accounting for funds received until the proposed insurer has been granted its certificate of authority, or until the proposed corporation or syndicate has completed its organization as defined in the solicitation permit.

(2) In lieu of filing such bond, the person may deposit with the commissioner fifty thousand dollars in cash or in United States government bonds at par value, to be held in trust upon the same conditions as required for the bond.

(3) The commissioner may waive the requirement for a bond or deposit in lieu thereof if the permit provides that:

(a) The proposed securities are to be distributed solely and finally to those few persons who are the active promoters intimate to the formation of the insurer, or other corporation or syndicate, or

(b) The securities are to be issued in connection with subsequent financing as provided in RCW 48.06.180.

(4) Any bond filed or deposit or remaining portion thereof held under this section shall be released and discharged upon settlement or termination of all liabilities against it.

[1969 ex.s. c 241 § 2; 1955 c 86 § 2; 1953 c 197 § 2; 1947 c 79 § .06.11; Rem. Supp 1947 § 45.06.11.]

Notes:

Effective date--Supervision of transfers--1955 c 86: See notes following RCW 48.05.080.

RCW 48.06.120 Escrow of funds.

(1) All funds received pursuant to a solicitation permit shall be deposited and held in escrow in a bank or trust company under an agreement approved by the commissioner. No part of any such deposit shall be withdrawn, except:

(a) For the payment of promotion and organization expenses as authorized by the solicitation permit; or

(b) for the purpose of making any deposit with the commissioner required for the issuance of a certificate of authority to an insurer; or

(c) if the proposed organization is not to be an insurer, upon completion of payments on stock or syndicate subscriptions made under the solicitation permit and deposit or appropriation of such funds to the purposes specified in the solicitation permit; or

(d) for making of refunds as provided in RCW 48.06.170.

(2) When the commissioner has issued a certificate of authority to an insurer any such funds remaining in escrow for its account shall be released to the insurer.

[1947 c 79 § .06.12; Rem. Supp. 1947 § 45.06.12.]

RCW 48.06.130 Liability of organizers--Organization expense.

(1) The incorporators of any insurer or other corporation, or the persons proposing to form a reciprocal insurer, or a syndicate, shall be jointly and severally liable for its debts or liabilities until it has secured a certificate of authority, if an insurer, or has completed its organization if a corporation other than an insurer or a syndicate.

(2) Any portion of funds received on account of stock or syndicate subscriptions which is allowed therefor under the solicitation permit, may be applied concurrently toward the payment of promotion and organization expense theretofore incurred.

[1947 c 79 § .06.13; Rem. Supp. 1947 § 45.06.13.]

RCW 48.06.150 Payment for subscriptions--Forfeiture.

(1) No such proposed stock insurer, corporation, or syndicate shall issue any share of stock or participation agreement except for payment in cash or in securities eligible for investment of funds of insurers. No such shares or agreement shall be issued until all subscriptions received under the solicitation permit have been so fully paid, nor, if an insurer, until a certificate of authority has been issued to it.

(2) Every subscription contract to shares of a stock insurer or other corporation calling for payment in installments, together with all amounts paid thereon may be forfeited at the option of the corporation, upon failure to make good a delinquency in any installment upon not less than forty-five days' notice in writing, and every such contract shall so provide.

[1947 c 79 § .06.15; Rem. Supp. 1947 § 45.06.15.]

RCW 48.06.160 Insurance applications--Mutual and reciprocal insurers.

All applications for insurance obtained in forming a mutual or reciprocal insurer shall provide that:

(1) Issuance of the policy is contingent upon completion of organization of the insurer and issuance to it of a certificate of authority; and

(2) the prepaid premium or deposit will be refunded in full to the applicant if the organization is not completed and certificate of authority issued prior to the solicitation permit's date of expiration; and

(3) the agreement for insurance is not effective until a policy has been issued under it.

[1947 c 79 § .06.16; Rem. Supp. 1947 § 45.06.16.]

RCW 48.06.170 Procedure on failure to complete organization or to qualify.

The commissioner shall withdraw all funds held in escrow and refund to subscribers or

applicants all sums paid in on stock or syndicate subscriptions, less that part of such sums paid in on subscriptions as has been allowed and used for promotion and organization expenses, and all sums paid in on insurance applications, and shall dissolve the proposed insurer, corporation or syndicate if

(1) the proposed insurer, corporation or syndicate fails to complete its organization and obtain full payment for subscriptions and applications, and, if an insurer, it fails to secure its certificate of authority, all before expiration of the solicitation permit; or

(2) the commissioner revokes the solicitation permit.

[1947 c 79 § .06.17; Rem. Supp. 1947 § 45.06.17.]

RCW 48.06.180 Subsequent financing.

(1) No domestic insurer, or insurance holding corporation, or stock corporation for financing operations of a mutual insurer, or attorney in fact corporation of a reciprocal insurer, after

(a) it has received a certificate of authority, if an insurer, or

(b) it has completed its initial organization and financing if a corporation other than an insurer, shall solicit or receive funds in exchange for any new issue of its corporate securities, other than through a stock dividend, until it has applied to the commissioner for, and has been granted, a solicitation permit.

(2) The commissioner shall issue such a permit unless he finds that:

(a) The funds proposed to be secured are excessive in amount for the purpose intended, or

(b) the proposed securities or the manner of their distribution are inequitable, or

(c) the issuance of the securities would jeopardize the interests of policyholders or the holders of other securities of the insurer or corporation.

(3) Any such solicitation permit granted by the commissioner shall be for such duration, and shall contain such terms and be issued upon such conditions as the commissioner may reasonably specify or require.

[1949 c 190 § 6; 1947 c 79 § .06.18; Rem. Supp. 1949 § 45.06.18.]

RCW 48.06.190 Penalty for exhibiting false accounts, etc.

Every person who, with intent to deceive, knowingly exhibits any false account, or document, or advertisement, relative to the affairs of any insurer, or of any corporation or syndicate of the kind enumerated in RCW 48.06.030, formed or proposed to be formed, shall be guilty of a felony.

[1947 c 79 § .06.19; Rem. Supp. 1947 § 45.06.19.]

RCW 48.06.200 Incorporation, articles of--Contents.

(1) This section applies to insurers incorporated in this state, but no insurer heretofore lawfully incorporated in this state is required to reincorporate or change its articles of incorporation by reason of any provisions of this section.

(2) The incorporators shall be individuals who are United States citizens, of whom two-thirds shall be residents of this state. The number of incorporators shall be not less than five if a stock insurer, nor less than ten if a mutual insurer.

(3) The incorporators shall execute articles of incorporation in duplicate, acknowledge their signatures thereunto before an officer authorized to take acknowledgments of deeds, and file both copies with the commissioner.

(4) After approval of the articles by the commissioner, one copy shall be filed in the office of the commissioner and the other copy shall be returned to the insurer.

(5) The articles of incorporation shall state:

First: The names and addresses of the incorporators.

Second: The name of the insurer. If a mutual insurer the name shall include the word "mutual."

Third: (a) The objects for which the insurer is formed;

(b) whether it is a stock or mutual insurer, and if a mutual property insurer only, whether it will insure on the cash premium or assessment plan;

(c) the kinds of insurance it will issue, according to the designations made in this code.

Fourth: If a stock insurer, the amount of its capital, the aggregate number of shares, and the par value of each share, which par value shall be not less than ten dollars, except that after the corporation has transacted business as an authorized insurer in the state for five years or more, its articles of incorporation may be amended, at the option of its stockholders, to provide for a par value of not less than one dollar per share. If a mutual insurer, the maximum contingent liability of its policyholders for the payment of its expenses and losses occurring under its policies.

Fifth: The duration of its existence, which may be perpetual.

Sixth: The names and addresses of the directors, not less than five in number, who shall constitute the board of directors of the insurer for the initial term, not less than two nor more than six months, as designated in the articles of incorporation.

Seventh: The name of the city or town of this state in which the insurer's principal place of business is to be located.

Eighth: Other provisions not inconsistent with law as may be deemed proper by the incorporators.

[1998 c 23 § 2; 1981 c 302 § 37; 1963 c 60 § 1; 1949 c 190 § 7; 1947 c 79 § .06.20; Rem. Supp. 1949 § 45.06.20.]

Notes:

Severability--1981 c 302: See note following RCW 19.76.100.

Chapter 48.07 RCW

DOMESTIC INSURERS--POWERS

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| 48.07.030 | Application of general corporation laws. |
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Notes:

Business corporations: Title 23B RCW.

Dissolution and winding up business corporation: Chapter 23B.14 RCW.

Interlocking ownership, management: RCW 48.30.250.

Merger or consolidation: RCW 48.31.010.

Organization of domestic insurers: Chapter 48.06 RCW.

RCW 48.07.010 Application of code to existing insurers.

Existing authorized domestic insurers shall continue to insure only in accordance with the provisions of this code.

[1947 c 79 § .07.01; Rem. Supp. 1947 § 45.07.01.]

RCW 48.07.020 Principal office.

Every domestic insurer shall establish and maintain in this state its principal office and place of business.

[1947 c 79 § .07.02; Rem. Supp. 1947 § 45.07.02.]

RCW 48.07.030 Application of general corporation laws.

The laws of this state relating to private corporations, except where inconsistent with the express provisions of this code, shall govern the corporate powers, duties, and relationships of

incorporated domestic insurers and insurance holding corporations formed under the laws of the state of Washington.

[1985 c 364 § 1; 1947 c 79 § .07.03; Rem. Supp. 1947 § 45.07.03.]

Notes:

Severability--1985 c 364: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 364 § 5.]

Provisions as to general business corporations: Title 23B RCW.

RCW 48.07.040 Annual, special meetings.

Each incorporated domestic insurer shall, in the month of January, February, March, or April, hold the annual meeting of its shareholders or members for the purpose of receiving reports of its affairs and to elect directors. Each domestic insurance holding corporation shall hold an annual meeting of its shareholders at such time and place as may be stated in or fixed in accordance with its bylaws. Special meetings of the shareholders of an incorporated domestic insurer or domestic insurance holding corporation shall be called and held by such persons and in such a manner as stated in the articles of incorporation or bylaws.

[1985 c 364 § 2; 1965 ex.s. c 70 § 4; 1947 c 79 § .07.04; Rem. Supp. 1947 § 45.07.04.]

Notes:

Severability--1985 c 364: See note following RCW 48.07.030.

RCW 48.07.050 Directors--Qualifications--Removal.

Not less than three-fourths of the directors of an incorporated domestic insurer shall be United States or Canadian citizens, and a majority of the board of directors of a mutual life insurer shall be residents of this state. The directors of a domestic insurer or domestic insurance holding corporation may be removed with cause by a vote of a majority of its voting capital stock or members (if a mutual insurer) at a valid meeting and said directors may be removed without cause by a vote of sixty-seven percent of its voting capital stock or members (if a mutual insurer) at a valid meeting.

[1989 c 24 § 1; 1985 c 364 § 3; 1957 c 193 § 21; 1947 c 79 § .07.05; Rem. Supp. 1947 § 45.07.05.]

Notes:

Severability--1985 c 364: See note following RCW 48.07.030.

RCW 48.07.060 Corrupt practices--Penalty.

No person shall buy or sell or barter a vote or proxy, relative to any meeting of shareholders or members of an incorporated domestic insurer, or engage in any corrupt or dishonest practice in or relative to the conduct of any such meeting. Violation of this section shall constitute a gross misdemeanor.

[1947 c 79 § .07.06; Rem. Supp. 1947 § 45.07.06.]

RCW 48.07.070 Amendment of articles of incorporation.

(1) Unless a vote of a greater proportion of directors or shares is required by its articles of incorporation, amendments to the articles of incorporation of a domestic insurer or a domestic insurance holding corporation shall be made by a majority vote of its board of directors and the vote or written assent of a majority of its voting capital stock, or two-thirds of the members (if a mutual insurer) voting at a valid meeting of members.

(2) The president and secretary of the insurer shall, under the corporate seal, certify the amendment in duplicate, and file both copies in the office of the commissioner as required under this code for original articles of incorporation. Thereupon, subject to the requirements of RCW 48.08.010 relative to increase of capital stock of a stock insurer, the amendment shall become effective.

[1998 c 23 § 3; 1985 c 364 § 4; 1981 c 302 § 38; 1947 c 79 § .07.07; Rem. Supp. 1947 § 45.07.07.]

Notes:

Severability--1985 c 364: See note following RCW 48.07.030.

Severability--1981 c 302: See note following RCW 19.76.100.

RCW 48.07.080 Guarantee of officers' obligations prohibited.

No domestic insurer or its affiliates or subsidiaries shall guarantee the financial obligation of any director or officer of such insurer or affiliate or subsidiary in his personal capacity, and any such guaranty attempted shall be void.

This prohibition shall not apply to obligations of the insurer under surety bonds or insurance contracts issued in the regular course of business.

[1947 c 79 § .07.08; Rem. Supp. 1947 § 45.07.08.]

RCW 48.07.100 Vouchers for expenditures.

(1) No domestic insurer shall make any disbursement of twenty-five dollars or more, unless evidenced by a voucher correctly describing the consideration for the payment and supported by a check or receipt endorsed or signed by or on behalf of the person receiving the money.

(2) If the disbursement is for services and reimbursement, the voucher shall describe the services and itemize the expenditures.

(3) If the disbursement is in connection with any matter pending before any legislature or public body or before any public official, the voucher shall also correctly describe the nature of the matter and of the insurer's interest therein.

[1947 c 79 § .07.10; Rem. Supp. 1947 § 45.07.10.]

RCW 48.07.110 Depositories.

The funds of a domestic insurer shall not be deposited in any bank or banking institution which has not first been approved as a depository by the insurer's board of directors or by a committee thereof designated for the purpose.

[1947 c 79 § .07.11; Rem. Supp. 1947 § 45.07.11.]

RCW 48.07.130 Pecuniary interest of officer or director, restrictions upon.

(1) No person having any authority in the investment or disposition of the funds of a domestic insurer and no officer or director of an insurer shall accept, except for the insurer, or be the beneficiary of any fee, brokerage, gift, commission, or other emolument because of any sale of insurance or of any investment, loan, deposit, purchase, sale, payment, or exchange made by or for the insurer, or be pecuniarily interested therein in any capacity; except, that such a person may procure a loan from the insurer direct upon approval by two-thirds of its directors and upon the pledge of securities eligible for the investment of the insurer's funds under this code.

(2) This section does not prohibit a life insurer from making a policy loan to such person on a life insurance contract issued by it and in accordance with the terms thereof.

(3) The commissioner may permit additional exceptions to the prohibition contained in subsection (1) of this section to enable payment of reasonable compensation to a director who is not otherwise an officer or employee of the insurer, or to a corporation or firm in which the director is interested, for necessary services performed or sales or purchases made to or for the insurer in the ordinary course of the insurer's business and in the usual private professional or business capacity of such director or such corporation or firm.

In addition, the commissioner may permit exceptions to the prohibitions contained in subsection (1) of this section where the payment of a fee, brokerage, gift, commission, or other emolument is fully disclosed to the insurer's officers and directors and is reasonable in relation to the service performed.

[1989 c 228 § 1; 1981 c 339 § 5; 1947 c 79 § .07.13; Rem. Supp. 1947 § 45.07.13.]

RCW 48.07.140 Compliance with foreign laws.

Any domestic insurer doing business in another state, territory or sovereignty may design and issue insurance contracts and transact insurance in such state, territory or sovereignty as required or permitted by the laws thereof, any provision of the insurer's articles of incorporation or bylaws notwithstanding.

[1947 c 79 § .07.14; Rem. Supp. 1947 § 45.07.14.]

RCW 48.07.150 Solicitations in other states.

(1) No domestic insurer shall knowingly solicit insurance business in any reciprocating state in which it is not then licensed as an authorized insurer.

(2) This section shall not prohibit advertising through publications and radio broadcasts originating outside such reciprocating state, if the insurer is licensed in a majority of the states in which such advertising is disseminated, and if such advertising is not specifically directed to residents of such reciprocating state.

(3) This section shall not prohibit insurance, covering persons or risks located in a reciprocating state, under contracts solicited and issued in states in which the insurer is then licensed. Nor shall it prohibit insurance effectuated by the insurer as an unauthorized insurer in accordance with the laws of the reciprocating state. Nor shall it prohibit renewal or continuance in force, with or without modification, of contracts otherwise lawful and which were not originally executed in violation of this section.

(4) A "reciprocating" state, as used herein, is one under the laws of which a similar prohibition is imposed upon and is enforced against insurers domiciled in that state.

(5) The commissioner shall suspend or revoke the certificate of authority of a domestic insurer found by him, after a hearing, to have violated this section.

[1988 c 248 § 4; 1947 c 79 § .07.15; Rem. Supp. 1947 § 45.07.15.]

RCW 48.07.160 Continuing operation in event of national emergency--Declaration of purpose--"Insurer" defined.

It is desirable for the general welfare and in particular for the welfare of insurance beneficiaries, policyholders, claimants and others that the business of domestic insurers be continued notwithstanding the event of a national emergency. The purpose of this section and RCW 48.07.170 through 48.07.200 is to facilitate the continued operation of domestic insurers in the event that a national emergency is caused by an attack on the United States which is so disruptive of normal business and commerce in this state as to make it impossible or impracticable for a domestic insurer to conduct its business in accord with applicable provisions of law, its bylaws, or its charter. When used in this section and RCW 48.07.170 through 48.07.200 the word "insurer" includes a fraternal benefit society.

[1963 c 195 § 25.]

RCW 48.07.170 Continuing operation in event of national emergency--Emergency bylaws.

The board of directors of any domestic insurer may at any time adopt emergency bylaws, subject to repeal or change by action of those having power to adopt regular bylaws for such insurer, which shall be operative during such a national emergency and which may, notwithstanding any different provisions of the regular bylaws, or of the applicable statutes, or of such insurer's charter, make any provision that may be reasonably necessary for the operation of such insurer during the period of such emergency.

[1963 c 195 § 26.]

RCW 48.07.180 Continuing operation in event of national emergency--Directors.

In the event that the board of directors of a domestic insurer has not adopted emergency bylaws, the following provisions shall become effective upon the occurrence of such a national emergency as above described:

(1) Three directors shall constitute a quorum for the transaction of business at all meetings of the board.

(2) Any vacancy in the board may be filled by a majority of the remaining directors, though less than a quorum, or by a sole remaining director.

(3) If there are no surviving directors, but at least three vice presidents of such insurer survive, the three vice presidents with the longest term of service shall be the directors and shall possess all of the powers of the previous board of directors and such powers as are granted herein or by subsequently enacted legislation. By majority vote, such emergency board of directors may elect other directors. If there are not at least three surviving vice presidents, the commissioner or duly designated person exercising the powers of the commissioner shall appoint three persons as directors who shall include any surviving vice presidents and who shall possess all of the powers of the previous board of directors and such powers as are granted herein or by subsequently enacted legislation, and these persons by majority vote may elect other directors.

[1963 c 195 § 27.]

RCW 48.07.190 Continuing operation in event of national emergency--Officers.

At any time the board of directors of a domestic insurer may, by resolution, provide that in the event of such a national emergency and in the event of the death or incapacity of the president, the secretary, or the treasurer of such insurer, such officers, or any of them, shall be succeeded in the office by the person named or described in a succession list adopted by the board of directors. Such list may be on the basis of named persons or position titles, shall establish the order of priority and may prescribe the conditions under which the powers of the office shall be exercised.

[1963 c 195 § 28.]

RCW 48.07.200 Continuing operation in event of national emergency--Principal office and place of business.

At any time the board of directors of a domestic insurer may, by resolution, provide that in the event of such a national emergency the principal office and place of business of such insurer shall be at such location as is named or described in the resolution. Such resolution may provide for alternate locations and establish an order of preference.

[1963 c 195 § 29.]

RCW 48.07.210 Conversion to domestic insurer.

(1)(a) Any insurer duly organized under the laws of any other state and admitted to transact insurance business in this state may become a domestic insurer upon complying with all requirements of law for the organization of a domestic insurer in this state and by designating its principal place of business at a location in this state. Such domestic insurer is entitled to a certificate of authority to transact insurance in this state, subject to the conditions set forth in (b) of this subsection, and is subject to the authority and the jurisdiction of this state.

(b) Before being eligible to become a domestic insurer under this section, an admitted insurer shall advise the commissioner, in writing, thirty days in advance of the proposed date of its plan to become a domestic insurer. The commissioner must approve the plan in advance of the proposed date. The commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the commissioner may require, the commissioner finds that the plan is consistent with law, and that no reasonable objection to the plan exists. If the commissioner fails to approve the plan, the commissioner shall state his or her reasons for failure to approve the plan in an order issued at the hearing.

(2) After providing thirty days' advance written notice of its plan to the commissioner and upon the written approval of the commissioner in advance of the proposed transfer date, any domestic insurer of this state may transfer its domicile to any other state in which it is admitted to transact the business of insurance. Upon transfer of domicile, the insurer ceases to be a domestic insurer of this state. If otherwise qualified under the laws of this state, the commissioner shall admit the insurer to do business in this state as a foreign insurer. The commissioner shall approve any proposed transfer of domicile unless the commissioner determines after a hearing, pursuant to such notice as the commissioner may require, that the transfer is not in the best interests of the public or the insurer's policyholders in this state. If the commissioner fails to approve a proposed transfer of domicile, the commissioner shall state his or her reasons for failure to approve the transfer in an order issued at the hearing.

(3) When a foreign insurer, admitted to transact business in this state, transfers its corporate domicile to this state or to any other state, the certificate of authority, appointment of statutory agent, and all approved licenses, policy forms, rates, filings, and other authorizations and approvals in existence at the time the foreign insurer transfers its corporate domicile shall continue in effect.

(4) Any insurer transferring its corporate domicile under this section shall file any amendments to articles of incorporation, bylaws, or other corporate documents that are required to be filed in this state before the insurer may receive approval of its proposed plan by the commissioner.

[1988 c 248 § 5.]

Chapter 48.08 RCW
DOMESTIC STOCK INSURERS

Sections

48.08.010 Increase of capital stock.

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Notes:

Merger or consolidation: RCW 48.31.010.

Organization of domestic insurers: Chapter 48.06 RCW.

Superadded liability of shareholders of domestic stock insurance companies: State Constitution Art. 12 § 11.

RCW 48.08.010 Increase of capital stock.

(1) Increase of the capital stock of a domestic stock insurer shall be by amendment to its articles of incorporation.

(2) If the increased capital stock is to be distributed as a stock dividend, such increased capital stock may be fully paid in out of any available surplus funds as is provided in RCW 48.08.030, and such payment shall be effected by a transfer on the insurer's books from its surplus account to its capital account.

(3) When the increased capital has been fully paid in, a certificate to such effect shall be made in quadruplicate under oath and the corporate seal by the insurer's president and secretary and filed in the public offices named in RCW 48.07.070.

[1953 c 197 § 4; 1947 c 79 § .08.01; Rem. Supp. 1947 § 45.08.01.]

RCW 48.08.020 Reduction of capital stock.

(1) Reduction of the capital stock of a domestic stock insurer shall be by amendment of its articles of incorporation. No such reduction shall be made which results in capital stock less in amount than the minimum required by this code for the kinds of insurance thereafter to be transacted by the insurer.

(2) No surplus funds of the insurer resulting from a reduction of its capital stock shall be distributed to stockholders, except as a stock dividend on a subsequent increase of capital stock,

or upon dissolution of the insurer, or upon approval of the commissioner of a distribution upon proof satisfactory to him that the distribution will not impair the interests of policyholders or the insurer's solvency.

(3) Upon such reduction of capital stock, the insurer's directors shall call in any outstanding stock certificates required to be changed pursuant thereto, and issue proper certificates in their stead.

[1947 c 79 § .08.02; Rem. Supp. 1947 § 45.08.02.]

RCW 48.08.030 Dividends to stockholders.

(1) No domestic stock insurer shall pay any cash dividend to stockholders except out of earned surplus. For the purpose of this section, "earned surplus" means that part of its available surplus funds which is derived from any realized net profits on its business, and does not include unrealized capital gains or reevaluation of assets.

(2) Such an insurer may pay a stock dividend out of any available surplus funds.

(3) Payment of any dividend to stockholders of a domestic stock insurer shall also be subject to all the limitations and requirements governing the payment of dividends by other private corporations.

(4) No dividend shall be declared or paid which would reduce the insurer's surplus to an amount less than the minimum required for the kinds of insurance thereafter to be transacted.

(5) For the purposes of this chapter "surplus funds" means the excess of the insurer's assets over its liabilities, including its capital stock as a liability.

(6) Available surplus means the excess over the minimum amount of surplus required for the kinds of insurance the insurer is authorized to transact.

[1993 c 462 § 52; 1947 c 79 § .08.03; Rem. Supp. 1947 § 45.08.03.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.08.040 Illegal dividends, reductions--Penalty against directors.

Any director of a domestic stock insurer who votes for or concurs in the declaration or payment of any dividend to stockholders or a reduction of capital stock not authorized by law shall, in addition to any other liability imposed by law, be guilty of a gross misdemeanor.

[1947 c 79 § .08.04; Rem. Supp. 1947 § 45.08.04.]

RCW 48.08.050 Impairment of capital.

(1) If the capital stock of a domestic stock insurer becomes impaired, the commissioner shall at once determine the amount of the deficiency and serve notice upon the insurer to require its stockholders to make good the deficiency within ninety days after service of such notice.

(2) The deficiency shall be made good in cash, or in assets eligible under this code for the

investment of the insurer's funds, or by reduction of the insurer's capital stock to an amount not below the minimum required for the kinds of insurance to be thereafter transacted.

(3) If the deficiency is not made good and proof thereof filed with the commissioner within such ninety-day period, the insurer shall be deemed insolvent and shall be proceeded against as authorized by this code.

(4) If the deficiency is not made good the insurer shall not issue or deliver any policy after the expiration of such ninety-day period. Any officer or director who violates or knowingly permits the violation of this provision shall be subject to a fine of from fifty dollars to one thousand dollars for each violation.

[1947 c 79 § .08.05; Rem. Supp. 1947 § 45.08.05.]

RCW 48.08.060 Repayment of contributions to surplus.

Contributions to the surplus of a domestic stock insurer other than resulting from sale of its capital stock, shall not be subject to repayment except out of surplus in excess of the minimum surplus initially required of such an insurer transacting like kinds of insurance.

[1947 c 79 § .08.06; Rem. Supp. 1947 § 45.08.06.]

RCW 48.08.070 Participating policies.

(1) Any domestic stock insurer may, if its charter so provides, issue policies entitled to participate from time to time in the earnings of the insurer through dividends.

(2) Any classification of its participating policies and of risks assumed thereunder which the insurer may make shall be reasonable. No dividend shall be paid which is inequitable or which unfairly discriminates as between such classifications or as between policies within the same classification.

(3) No such insurer shall issue in this state both participating and nonparticipating policies for the same class of risks; except, that both participating and nonparticipating life insurance policies may be issued if the right or absence of the right to participate is reasonably related to the premium charged.

(4) Dividends to participating life insurance policies issued by such insurer shall be paid only out of its surplus funds as defined in subsection (5) of RCW 48.08.030. Dividends to participating policies for other kinds of insurance shall be paid only out of that part of such surplus funds which is derived from any realized net profits from the insurer's business.

(5) No dividend, otherwise earned, shall be made contingent upon the payment of renewal premium on any policy.

[1947 c 79 § .08.07; Rem. Supp. 1947 § 45.08.07.]

RCW 48.08.080 Mutualization of stock insurers.

(1) Any domestic stock insurer may become a domestic mutual insurer pursuant to such

plan and procedure as are approved by the commissioner in advance of such mutualization.

(2) The commissioner shall not approve any such plan, procedure, or mutualization unless:

(a) It is equitable to both shareholders and policyholders.

(b) It is approved by vote of the holders of not less than three-fourths of the insurer's capital stock having voting rights, and by vote of not less than two-thirds of the insurer's policyholders who vote on such plan, pursuant to such notice and procedure as may be approved by the commissioner. Such vote may be registered in person, by proxy, or by mail.

(c) If a life insurer, the right to vote thereon is limited to those policyholders whose policies have face amounts of not less than one thousand dollars and have been in force one year or more.

(d) Mutualization will result in retirement of shares of the insurer's capital stock at a price not in excess of the fair value thereof as determined by competent disinterested appraisers.

(e) The plan provides for appraisal and purchase of the shares of any nonconsenting stockholder in accordance with the laws of this state relating to the sale or exchange of all the assets of a private corporation.

(f) The plan provides for definite conditions to be fulfilled by a designated early date upon which such mutualization will be deemed effective.

(g) The mutualization leaves the insurer with surplus funds reasonably adequate to preserve the security of its policyholders and its ability to continue successfully in business in the states in which it is then authorized, and in the kinds of insurance it is then authorized to transact.

[1947 c 79 § .08.08; Rem. Supp. 1947 § 45.08.08.]

RCW 48.08.090 Stockholder meetings--Duty to inform stockholders of matters to be presented--Proxies.

(1) This section shall apply to all domestic stock insurers except:

(a) A domestic stock insurer having less than one hundred stockholders; except, that if ninety-five percent or more of the insurer's stock is owned or controlled by a parent or affiliated insurer, this section shall not apply to such insurer unless its remaining shares are held by five hundred or more stockholders.

(b) Domestic stock insurers which file with the Securities and Exchange Commission forms of proxies, consents and authorizations pursuant to the Securities and Exchange Act of 1934, as amended.

(2) Every such insurer shall seasonably furnish its stockholders in advance of stockholder meetings, information in writing reasonably adequate to inform them relative to all matters to be presented by the insurer's management for consideration of stockholders at such meeting.

(3) No person shall solicit a proxy, consent, or authorization in respect of any stock of such an insurer unless he furnishes the person so solicited with written information reasonably adequate as to

(a) the material matters in regard to which the powers so solicited are proposed to be

used, and

(b) the person or persons on whose behalf the solicitation is made, and the interest of such person or persons in relation to such matters.

(4) No person shall so furnish to another, information which the informer knows or has reason to believe, is false or misleading as to any material fact, or which fails to state any material fact reasonably necessary to prevent any other statement made from being misleading.

(5) The form of all such proxies shall:

(a) Conspicuously state on whose behalf the proxy is solicited;

(b) Provide for dating the proxy;

(c) Impartially identify each matter or group of related matters intended to be acted upon;

(d) Provide means for the principal to instruct the vote of his shares as to approval or disapproval of each matter or group, other than election to office; and

(e) Be legibly printed, with context suitably organized.

Except, that a proxy may confer discretionary authority as to matters as to which choice is not specified pursuant to item (d), above, if the form conspicuously states how it is intended to vote the proxy or authorization in each such case; and may confer discretionary authority as to other matters which may come before the meeting but unknown for a reasonable time prior to the solicitation by the persons on whose behalf the solicitation is made.

(6) No proxy shall confer authority (a) to vote for election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (b) to vote at any annual meeting (or adjournment thereof) other than the annual meeting next following the date on which the proxy statement and form were furnished stockholders.

(7) The commissioner shall have authority to make and promulgate reasonable rules and regulations for the effectuation of this section, and in so doing shall give due consideration to rules and regulations promulgated for similar purposes by the insurance supervisory officials of other states.

[1965 ex.s. c 70 § 5.]

Notes:

Exemption from federal registration: 15 U.S.C. §78 l(g)(2)(G).

RCW 48.08.100 Equity security--Defined.

The term "equity security" when used in RCW 48.08.100 through 48.08.160 means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the commissioner shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as he may prescribe in the public interest or for the protection of investors, to treat as an equity security.

[1965 ex.s. c 70 § 11.]

RCW 48.08.110 Equity security--Duty to file statement of ownership.

Every person who is directly or indirectly the beneficial owner of more than ten percent of any class of any equity security of a domestic stock insurer, or who is a director or an officer of such insurer, shall file with the commissioner on or before the 30th day of September, 1965, or within ten days after he becomes such beneficial owner, director or officer, a statement, in such form as the commissioner may prescribe, of the amount of all equity securities of such insurer of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file with the commissioner a statement, in such form as the commissioner may prescribe, indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

[1965 ex.s. c 70 § 6.]

RCW 48.08.120 Equity security--Profits from short term transactions--Remedies--Limitation of actions.

For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director or officer by reason of his relationship to such insurer, any profit realized by him from any purchase and sale, or any sale and purchase, of any equity security of such insurer within any period of less than six months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the insurer, irrespective of any intention on the part of such beneficial owner, director or officer in entering into such transaction of holding the security purchased or of not repurchasing the security sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the insurer, or by the owner of any security of the insurer in the name and in behalf of the insurer if the insurer shall fail or refuse to bring such suit within sixty days after request or shall fail diligently to prosecute the same thereafter: PROVIDED, That no such suit shall be brought more than two years after the date such profit was realized. This section shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the security involved, or any transaction or transactions which the commissioner by rules and regulations may exempt as not comprehended within the purpose of this section.

[1965 ex.s. c 70 § 7.]

Notes:

Exemption from federal registration: 15 U.S.C. §78 l(g)(2)(G).

RCW 48.08.130 Equity security--Sales, unlawful practices.

It shall be unlawful for any such beneficial owner, director or officer, directly or indirectly, to sell any equity security of such insurer if the person selling the security or his

principal (1) does not own the security sold, or (2) if owning the security, does not deliver it against such sale within twenty days thereafter, or does not within five days after such sale deposit it in the mails or other usual channels of transportation: PROVIDED, That no person shall be deemed to have violated this section if he proves that notwithstanding the exercise of good faith he was unable to make such delivery or deposit within such time, or that to do so would cause undue inconvenience or expense.

[1965 ex.s. c 70 § 8.]

RCW 48.08.140 Equity security--Exemptions--Sales by dealer.

The provisions of RCW 48.08.120 shall not apply to any purchase and sale, or sale and purchase, and the provisions of RCW 48.08.130 shall not apply to any sale of an equity security of a domestic stock insurer not then or theretofore held by him in an investment account, by a dealer in the ordinary course of his business and incident to the establishment or maintenance by him of a primary or secondary market (otherwise than on an exchange as defined in the Securities Exchange Act of 1934) for such security. The commissioner may, by such rules and regulations as he deems necessary or appropriate in the public interest, define and prescribe terms and conditions with respect to securities held in an investment account and transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market.

[1965 ex.s. c 70 § 9.]

RCW 48.08.150 Equity security--Exemptions--Foreign or domestic arbitrage transactions.

The provisions of RCW 48.08.110, 48.08.120 and 48.08.130 shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the commissioner may adopt in order to carry out the purposes of RCW 48.08.100 through 48.08.160.

[1965 ex.s. c 70 § 10.]

RCW 48.08.160 Equity security--Exemptions--Securities registered or required to be, or no class held by one hundred or more persons.

The provisions of RCW 48.08.110, 48.08.120, and 48.08.130 shall not apply to equity securities of a domestic stock insurer if (1) such securities shall be registered, or shall be required to be registered, pursuant to section 12 of the Securities Exchange Act of 1934, as amended, or if (2) such domestic stock insurer shall not have any class of its equity securities held of record by one hundred or more persons on the last business day of the year next preceding the year in which equity securities of the insurer would be subject to the provisions of RCW 48.08.110, 48.08.120, and 48.08.130 except for the provisions of this subsection (2).

[1965 ex.s. c 70 § 12.]

RCW 48.08.170 Equity security--Rules and regulations.

The commissioner shall have the power to make such rules and regulations as may be necessary for the execution of the functions vested in him by RCW 48.08.100 through 48.08.160, and may for such purpose classify domestic stock insurers, securities, and other persons or matters within his jurisdiction. No provision of RCW 48.08.110, 48.08.120, and 48.08.130 imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the commissioner, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

[1965 ex.s. c 70 § 13.]

RCW 48.08.190 Failure to file required information, documents, or reports--Forfeiture.

Any person who fails to file information, documents, or reports required to be filed under chapter 241, Laws of 1969 ex. sess. or any rule or regulation thereunder shall forfeit to the state of Washington the sum of one hundred dollars for each and every day such failure to file shall continue. Such forfeiture, which shall be in lieu of any criminal penalty for such failure to file which might be deemed to arise under this title, shall be payable to the treasurer of the state of Washington and shall be recoverable in a civil suit in the name of the state of Washington.

[1969 ex.s. c 241 § 18.]

**Chapter 48.09 RCW
MUTUAL INSURERS**

Sections

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| 48.09.090 | Additional kinds of insurance. |
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Notes:

Dividends not to be guaranteed: RCW 48.30.100.

Merger or consolidation: RCW 48.31.010.

Organization of domestic insurers: Chapter 48.06 RCW.

Policy dividends are payable to real party in interest: RCW 48.18.340.

RCW 48.09.010 Initial qualifications.

(1) The commissioner shall not issue a certificate of authority to a domestic mutual insurer unless it has fully qualified therefor under this code, and unless it has met the minimum requirements for the kind of insurance it proposes to transact as provided in this chapter.

(2) All applications for insurance submitted by such an insurer as fulfilling qualification requirements shall be bona fide applications from persons resident in this state covering lives, property, or risks resident or located in this state.

(3) All qualifying premiums collected and initial surplus funds of such an insurer shall be in cash. Any deposit made by such an insurer in lieu of applications, premiums, and initial surplus funds, shall be in cash or in securities eligible for the investment of the capital of a domestic stock insurer transacting the same kind of insurance.

[1947 c 79 § .09.01; Rem. Supp. 1947 § 45.09.01.]

RCW 48.09.090 Additional kinds of insurance.

A domestic mutual insurer may be authorized to transact kinds of insurance in addition to that for which it was originally authorized, if it has otherwise complied with the provisions of this code therefor, and while it possesses and maintains surplus funds in aggregate amount not less than the minimum amount of capital and surplus required under this code of a domestic stock insurer authorized to transact like kinds of insurance pursuant to RCW 48.05.340.

[1980 c 135 § 2; 1957 c 193 § 5; 1947 c 79 § .09.09; Rem. Supp. 1947 § 45.09.09.]

RCW 48.09.100 Minimum surplus.

A domestic mutual insurer on the cash premium plan shall at all times have and maintain surplus funds, representing the excess of its assets over its liabilities, in amount not less than the aggregate of

(1) the amount of any surplus funds deposited by it with the commissioner to qualify for its original certificate of authority, and

(2) the amount of any additional surplus required of it pursuant to RCW 48.09.090 for authority to transact additional kinds of insurance.

[1963 c 195 § 3; 1947 c 79 § .09.10; Rem. Supp. 1947 § 45.09.10.]

RCW 48.09.110 Membership.

(1) Each holder of one or more insurance contracts issued by a domestic mutual insurer, other than a contract of reinsurance, is a member of the insurer, with the rights and obligations of such membership, and each insurance contract so issued shall effectively so stipulate.

(2) Any person, government or governmental agency, state or political subdivision thereof, public or private corporation, board, association, estate, trustee or fiduciary, may be a member of a mutual insurer.

[1947 c 79 § .09.11; Rem. Supp. 1947 § 45.09.11.]

RCW 48.09.120 Rights of members.

(1) A domestic mutual insurer is owned by and shall be operated in the interest of its members.

(2) Each member is entitled to one vote in the election of directors and on matters coming before corporate meetings of members, subject to such reasonable minimum requirements as to duration of membership and amount of insurance held as may be made in the insurer's bylaws. The person named as the policyholder in any group insurance policy issued by such insurer shall be deemed the member, and shall have but one such vote regardless of the number of individuals insured by such policy.

(3) With respect to the management, records, and affairs of the insurer, a member shall have the same character of rights and relationship as a stockholder has toward a domestic stock insurer.

[1947 c 79 § .09.12; Rem. Supp. 1947 § 45.09.12.]

RCW 48.09.130 Bylaws.

A domestic mutual insurer shall adopt bylaws for the conduct of its affairs. Such bylaws, or any modification thereof, shall forthwith be filed with the commissioner. The commissioner shall disapprove any such bylaws, or as so modified, if he finds after a hearing thereon, that it is not in compliance with the laws of this state, and he shall forthwith communicate such

disapproval to the insurer. No such bylaw, or modification, so disapproved shall be effective during the existence of such disapproval.

[1947 c 79 § .09.13; Rem. Supp. 1947 § 45.09.13.]

RCW 48.09.140 Notice of annual meeting.

(1) Notice of the time and place of the annual meeting of members of a domestic mutual insurer shall be given by imprinting such notice plainly on the policies issued by the insurer.

(2) Any change of the date or place of the annual meeting shall be made only by an annual meeting of members. Notice of such change may be given:

(a) By imprinting such new date or place on all policies which will be in effect as of the date of such changed meeting; or

(b) Unless the commissioner otherwise orders, notice of the new date or place need be given only through policies issued after the date of the annual meeting at which such change was made and in premium notices and renewal certificates issued during the twenty-four months immediately following such meeting.

[1947 c 79 § .09.14; Rem. Supp. 1947 § 45.09.14.]

RCW 48.09.150 Voting--Proxies.

(1) A member of a domestic mutual insurer may vote in person or by proxy given another member on any matter coming before a corporate meeting of members.

(2) An officer of the insurer shall not hold or vote the proxy of any member.

(3) No such proxy shall be valid beyond the earlier of the following dates:

(a) The date of expiration set forth in the proxy; or

(b) the date of termination of membership; or

(c) five years from the date of execution of the proxy.

(4) No member's vote upon any proposal to divest the insurer of its business and assets, or the major part thereof, shall be registered or taken except in person or by a proxy newly executed and specific as to the matter to be voted upon.

[1947 c 79 § .09.15; Rem. Supp. 1947 § 45.09.15.]

RCW 48.09.160 Directors--Disqualification.

No individual shall be a director of a domestic mutual insurer by reason of his holding public office. Adjudication as a bankrupt or taking the benefit of any insolvency law or making a general assignment for the benefit of creditors disqualifies an individual from being or acting as a director.

[1947 c 79 § .09.16; Rem. Supp. 1947 § 45.09.16.]

RCW 48.09.180 Limitation of expenses as to property and casualty insurance.

(1) For any calendar year after its first two full calendar years of operation, no domestic mutual insurer on the cash premium plan, other than one issuing nonassessable policies, shall incur any costs or expense in the writing or administration of property, disability, and casualty insurances (other than boiler and machinery or elevator) transacted by it which, exclusive of losses paid, loss adjustment expenses, investment expenses, dividends, and taxes exceeds the sum of

(a) forty percent of the net premium income during that year after deducting therefrom net earned reinsurance premiums for such year, plus

(b) all of the reinsurance commissions received on reinsurance ceded by it.

(2) The bylaws of every domestic mutual property insurer on the assessment premium plan shall impose a reasonable limitation upon its expenses.

[1949 c 190 § 8; 1947 c 79 § .09.18; Rem. Supp. 1949 § 45.09.18.]

RCW 48.09.190 Procedure upon violation of limitation.

The officers and directors of an insurer violating RCW 48.09.180 shall be jointly and severally liable to the insurer for any excess of expenses incurred. If the insurer fails to exercise reasonable diligence or refuses to enforce such liability, the commissioner may prosecute action thereon for the benefit of the insurer. Such failure or refusal constitutes grounds for revocation of the insurer's certificate of authority.

[1947 c 79 § .09.19; Rem. Supp. 1947 § 45.09.19.]

RCW 48.09.210 Limitation of action on officer's salary.

No action to recover, or on account of, any salary or other compensation due or claimed to be due any officer or director of a domestic mutual insurer, or on any note or agreement relative thereto, shall be brought against such insurer after twelve months after the date on which such salary or compensation, or any installment thereof, first accrued.

[1947 c 79 § .09.21; Rem. Supp. 1947 § 45.09.21.]

RCW 48.09.220 Contingent liability of members.

(1) Each member of a domestic mutual insurer, except as otherwise provided in this chapter, shall have a contingent liability, pro rata and not one for another, for the discharge of its obligations. The contingent liability shall be in such maximum amount as is stated in the insurer's articles of incorporation, but shall be not less than one, nor more than five, additional premiums for the member's policy at the annual premium rate and for a term of one year.

(2) Every policy issued by the insurer shall contain a statement of the contingent liability.

(3) Termination of the policy of any such member shall not relieve the member of contingent liability for his proportion of the obligations of the insurer which accrued while the

policy was in force.

[1949 c 190 § 9; 1947 c 79 § .09.22; Rem. Supp. 1949 § 45.09.22.]

RCW 48.09.230 Assessment of members.

(1) If at any time the assets of a domestic mutual insurer doing business on the cash premium plan are less than its liabilities and the minimum surplus, if any, required of it by this code as prerequisite for continuance of its certificate of authority, and the deficiency is not cured from other sources, its directors may, if approved by the commissioner, make an assessment only on its members who at any time within the twelve months immediately preceding the date such assessment was authorized by its directors held policies providing for contingent liability.

(2) Such an assessment shall be for such an amount of money as is required, in the opinion of the commissioner, to render the insurer fully solvent, but not to result in surplus in excess of five percent of the insurer's liabilities as of the date of the assessment.

(3) A member's proportionate part of any such assessment shall be computed by applying to the premium earned, during the period since the deficiency first appeared, on his contingently liable policy or policies the ratio of the total assessment to the total premium earned during such period on all contingently liable policies which are subject to the assessment.

(4) No member shall have an offset against any assessment for which he is liable on account of any claim for unearned premium or losses payable.

[1949 c 190 § 10; 1947 c 79 § .09.23; Rem. Supp. 1949 § 45.09.23.]

RCW 48.09.240 Contingent liability of members of assessment insurer.

The contingent liability of members of a domestic mutual insurer doing business on the assessment premium plan shall be called upon and enforced by its directors as provided in its bylaws.

[1947 c 79 § .09.24; Rem. Supp. 1947 § 45.09.24.]

RCW 48.09.250 Contingent liability as asset.

Any contingent liability of members of a domestic mutual insurer to assessment does not constitute an asset of the insurer in any determination of its financial condition.

[1949 c 190 § 11; 1947 c 79 § .09.25; Rem. Supp. 1949 § 45.09.25.]

RCW 48.09.260 Liability as lien on policy reserves.

As to life insurance, any portion of an assessment of contingent liability upon a policyholder which remains unpaid following notice of such assessment, demand for payment, and lapse of a reasonable waiting period as specified in such notice, may, if approved by the commissioner, be secured by placing a lien on the reserves held by the insurer to the credit of

such policyholder.

[1949 c 190 § 12; 1947 c 79 § .09.26; Rem. Supp. 1949 § 45.09.26.]

RCW 48.09.270 Nonassessable policies.

(1) A domestic mutual insurer on the cash premium plan, after it has established a surplus not less in amount than the minimum capital funds required of a domestic stock insurer to transact like kinds of insurance, and for so long as it maintains such surplus, may extinguish the contingent liability of its members to assessment and omit provisions imposing contingent liability in all policies currently issued.

(2) Any deposit made with the commissioner as a prerequisite to the insurer's certificate of authority may be included as part of the surplus required in this section.

(3) When the surplus has been so established and the commissioner has so ascertained, he shall issue to the insurer, at its request, his certificate authorizing the extinguishment of the contingent liability of its members and the issuance of policies free therefrom.

(4) While it maintains surplus funds in amount not less than the minimum capital required of a domestic stock insurer authorized to transact like kinds of insurance, and subject to the requirements of RCW 48.05.360 as to special surplus, a foreign or alien mutual insurer on the cash premium plan may, if consistent with its charter and the laws of its domicile, issue nonassessable policies covering subjects located, resident, or to be performed in this state.

[1963 c 195 § 4; 1947 c 79 § .09.27; Rem. Supp. 1947 § 45.09.27.]

RCW 48.09.280 Qualification on issuance of nonassessable policies.

The commissioner shall not authorize a domestic mutual insurer so to extinguish the contingent liability of any of its members or in any of its policies to be issued, unless it qualifies to and does extinguish such liability of all its members and in all such policies for all kinds of insurance transacted by it. Except, that if required by the laws of another state in which such an insurer is transacting insurance as an authorized insurer, the insurer may issue policies providing for the contingent liability of such of its members as may acquire such policies in such state, and need not extinguish the contingent liability applicable to policies theretofore in force in such state.

[1947 c 79 § .09.28; Rem. Supp. 1947 § 45.09.28.]

RCW 48.09.290 Revocation of right to issue nonassessable policies.

(1) The commissioner shall revoke the authority of a domestic mutual insurer so to extinguish the contingent liability of its members if

(a) at any time the insurer's assets are less than the sum of its liabilities and the surplus required for such authority, or

(b) the insurer, by resolution of its directors approved by its members, requests that the

authority be revoked.

(2) Upon revocation of such authority for any cause, the insurer shall not thereafter issue any policies without contingent liability, nor renew any policies then in force without written endorsement thereon providing for contingent liability.

[1947 c 79 § .09.29; Rem. Supp. 1947 § 45.09.29.]

RCW 48.09.300 Dividends.

(1) The directors of a domestic mutual insurer on the cash premium plan may from time to time apportion and pay to its members as entitled thereto, dividends only out of that part of its surplus funds which are in excess of its required minimum surplus and which represent net realized savings and net realized earnings from its business.

(2) Any classification of its participating policies and of risks assumed thereunder which the insurer may make shall be reasonable. No dividend shall be paid which is inequitable, or which unfairly discriminates as between such classifications or as between policies within the same classification.

(3) No dividend, otherwise earned, shall be made contingent upon the payment of renewal premium on any policy.

[1947 c 79 § .09.30; Rem. Supp. 1947 § 45.09.30.]

RCW 48.09.310 Nonparticipating policies.

(1) If its articles of incorporation so provide, a domestic mutual insurer on the cash premium plan may, while it is authorized to issue policies without contingent liability to assessment, issue policies not entitled to participate in the insurer's savings and earnings.

(2) Such insurer shall not issue in this state both participating and nonparticipating policies for the same class of risks; except, that both participating and nonparticipating life insurance policies may be issued if the right or absence of the right to participate is reasonably related to the premium charged.

[1947 c 79 § .09.31; Rem. Supp. 1947 § 45.09.31.]

RCW 48.09.320 Borrowed capital.

(1) A domestic mutual insurer on the cash premium plan may, with the commissioner's advance approval and without the pledge of any of its assets, borrow money to defray the expenses of its organization or for any purpose required by its business, upon an agreement that such money and such interest thereon as may be agreed upon, but not exceeding six percent per annum, shall be repaid only out of the insurer's earned surplus in excess of its required minimum surplus.

(2) Any money so borrowed shall not form a part of the insurer's legal liabilities or be the basis of any setoff; but until repaid, financial statements filed or published by the insurer shall

show as a footnote thereto the amount thereof then unpaid together with interest thereon accrued but unpaid.

(3) The commissioner's approval of such loan, if granted, shall specify the amount to be borrowed, the purpose for which the money is to be used, the terms and form of the loan agreement, the date by which the loan must be completed, and such other related matters as the commissioner shall deem proper. If the money is to be borrowed upon multiple agreements, the agreements shall be serially numbered. No loan agreement or series thereof shall have or be given any preferential rights over any other such loan agreement or series. No commission or promotional expense shall be incurred or be paid on account of any such loan.

[1947 c 79 § .09.32; Rem. Supp. 1947 § 45.09.32.]

RCW 48.09.330 Repayment of borrowed capital.

(1) The insurer may repay any loan received pursuant to RCW 48.09.320, or any part thereof as approved by the commissioner, only out of its funds which represent such loan or realized net earned surplus. No repayment shall be made which reduces the insurer's surplus below the minimum surplus required for the kinds of insurance transacted.

(2) The insurer shall repay any such loan or the largest possible part thereof when the purposes for which such funds were borrowed have been fulfilled and when the insurer's surplus is adequate to so repay without unreasonable impairment of the insurer's operations.

(3) No repayment of such loan shall be made unless approved by the commissioner. The insurer shall notify the commissioner in writing not less than sixty days in advance of its intention to repay such loan or any part thereof, and the commissioner shall forthwith ascertain whether the insurer's financial condition is such that the repayment can properly be made.

(4) Upon dissolution and liquidation of the insurer, after the retirement of all its other outstanding obligations the holders of any such loan agreements then remaining unpaid shall be entitled to payment before any distribution of surplus is made to the insurer's members.

[1949 c 190 § 13; 1947 c 79 § .09.33; Rem. Supp. 1949 § 45.09.33.]

RCW 48.09.340 Impairment of surplus.

(1) If the assets of a domestic mutual insurer on the cash premium plan fall below the amount of its liabilities, plus the amount of any surplus required by this code for the kinds of insurance authorized to be transacted, the commissioner shall at once ascertain the amount of the deficiency and serve notice upon the insurer to cure the deficiency within ninety days after such service of notice.

(2) If the deficiency is not made good in cash or in assets eligible under this code for the investment of the insurer's funds, and proof thereof filed with the commissioner within such ninety-day period, the insurer shall be deemed insolvent and shall be proceeded against as authorized by this code.

(3) If the deficiency is not made good the insurer shall not issue or deliver any policy after the expiration of such ninety-day period. Any officer or director who violates or knowingly

permits the violating of this provision shall be subject to a fine of from fifty dollars to one thousand dollars for each violation.

[1949 c 190 § 14; 1947 c 79 § 09.34; Rem. Supp. 1949 § 45.09.34.]

RCW 48.09.350 Reorganization of mutual as stock insurer--Reinsurance--Approval.

(1) Upon satisfaction of the requirements applicable to the formation of a domestic stock insurer, a domestic mutual insurer may be reorganized as a stock corporation, pursuant to a plan of reorganization as approved by the commissioner.

(2) A domestic mutual insurer may be wholly reinsured in and its assets transferred to and its liabilities assumed by another mutual or stock insurer under such terms and conditions as are approved by the commissioner in advance of such reinsurance.

(3) The commissioner shall not approve any such reorganization plan or reinsurance agreement which does not determine the amount of and make adequate provision for paying to members of such mutual insurer, reasonable compensation for their equities as owners of such insurer, such compensation to be apportioned to members as identified and in the manner prescribed in RCW 48.09.360. The procedure for approval by the commissioner of any such reorganization plan or reinsurance agreement shall be the same as the procedure for approval by the commissioner of a plan of merger or consolidation under RCW 48.31.010.

Approval at a corporate meeting of members by two-thirds of the then members of a domestic mutual insurer who vote on the plan or agreement pursuant to such notice and procedure as was approved by the commissioner shall constitute approval of any such reorganization plan or reinsurance agreement by the insurer's members.

[1984 c 23 § 1; 1983 1st ex.s. c 32 § 1; 1947 c 79 § .09.35; Rem. Supp. 1947 § 45.09.35.]

RCW 48.09.360 Distribution of assets and ownership equities upon liquidation.

(1) Upon the liquidation of a domestic mutual insurer, its assets remaining after discharge of its indebtedness and policy obligations shall be distributed to its members who were such within the thirty-six months prior to the last termination of its certificate of authority.

(2) Upon the reorganization of a domestic mutual insurer as a domestic stock insurer under RCW 48.09.350(1) or upon reinsurance of the whole of the liabilities and transfer of all the assets of a domestic mutual insurer under RCW 48.09.350(2), the ownership equities of members of the domestic mutual insurer shall be distributed to its members who were such on an eligibility date stated in the reorganization plan or reinsurance agreement, or who were such within the thirty-six months prior to such eligibility date. Such eligibility date shall be either the date on which the reorganization plan or reinsurance agreement is adopted by resolution of the board of directors of the domestic mutual insurer, or the date on which the reorganization plan or reinsurance agreement is approved by a vote of the members, or the date which ends a calendar quarter during which either of such actions is taken.

(3) Upon the liquidation of a domestic mutual insurer, the distributive share of each such member shall be in the proportion that the aggregate premiums earned by the insurer on the

policies of the member during the thirty-six months before the last termination of the insurer's certificate of authority, bear to the aggregate of all premiums so earned on the policies of all such members during the same thirty-six months.

(4) Upon the reorganization of a domestic mutual insurer as a domestic stock insurer under RCW 48.09.350(1) or upon reinsurance of the whole of the liabilities and transfer of all the assets of a domestic mutual insurer under RCW 48.09.350(2), the distributive share of each member entitled thereto shall be in the proportion that the aggregate premiums earned by the insurer on the policies in force of that member during the thirty-six months before the eligibility date established under RCW 48.09.360(2) bear to the aggregate of all premiums so earned during the same thirty-six months on all the policies in force of all such members who are entitled to a distributive share.

(5) If a life insurer, the insurer shall make a reasonable classification of its life insurance policies so held by such members entitled to a distributive share and a formula based upon such classification for determining the equitable distributive share of each such member. Such classification and formula shall be subject to the commissioner's approval.

[1984 c 23 § 2; 1947 c 79 § .09.36; Rem. Supp. 1947 § 45.09.36.]

Chapter 48.10 RCW RECIPROCAL INSURERS

Sections

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Notes:

Dividends not to be guaranteed: RCW 48.30.100.

Merger or consolidation: RCW 48.31.010.

Organization of domestic insurers: Chapter 48.06 RCW.

Policy dividends are payable to real party in interest: RCW 48.18.340.

RCW 48.10.010 "Reciprocal insurance" defined.

"Reciprocal insurance" is that resulting from an interexchange among persons, known as "subscribers," of reciprocal agreements of indemnity, the interexchange being effectuated through an "attorney in fact" common to all such persons.

[1947 c 79 § .10.01; Rem. Supp. 1947 § 45.10.01.]

RCW 48.10.020 "Reciprocal insurer" defined.

A "reciprocal insurer" means an unincorporated aggregation of subscribers operating individually and collectively through an attorney in fact to provide reciprocal insurance among themselves.

[1947 c 79 § .10.02; Rem. Supp. 1947 § 45.10.02.]

RCW 48.10.030 Scope of chapter.

All authorized reciprocal insurers shall be governed by those sections of this chapter not expressly made applicable to domestic reciprocal insurers.

[1947 c 79 § .10.03; Rem. Supp. 1947 § 45.10.03.]

RCW 48.10.050 Insuring powers of reciprocals.

(1) A reciprocal insurer may, upon qualifying therefor as provided by this code, transact any kind or kinds of insurance defined by this code, other than life or title insurances.

(2) A reciprocal insurer may purchase reinsurance upon the risk of any subscriber, and may grant reinsurance as to any kind of insurance which it is authorized to transact direct.

[1947 c 79 § .10.05; Rem. Supp. 1947 § 45.10.05.]

RCW 48.10.055 Real property--Attorney's duty.

A reciprocal insurer may purchase, sell, mortgage, encumber, lease, or otherwise affect the title to real property for the purposes and objects of the reciprocal insurer. All deeds, notes, mortgages, or other documents relating to the real property may be executed in the name of the reciprocal insurer by its attorney.

[1991 c 266 § 1.]

RCW 48.10.060 Name--Suits.

A reciprocal insurer shall:

(1) Have and use a business name. The name shall include the word "reciprocal," or "interinsurer," or "interinsurance," or "exchange," or "underwriters," or "underwriting."

(2) Sue and be sued in its own name.

[1947 c 79 § .10.06; Rem. Supp. 1947 § 45.10.06.]

RCW 48.10.070 Surplus funds required.

(1) A domestic reciprocal insurer hereafter formed, if it has otherwise complied with the provisions of this code, may be authorized to transact insurance if it initially possesses surplus in an amount equal to or exceeding the capital and surplus requirements required under RCW 48.05.340(1) plus special surplus, if any, required under RCW 48.05.360 and thereafter possesses, and maintains surplus funds equal to the paid-in capital stock required under RCW 48.05.340 of a stock insurer transacting like kinds of insurance, and the special surplus, if any, required under RCW 48.05.360.

(2) A domestic reciprocal insurer which under prior laws held authority to transact insurance in this state may continue to be so authorized so long as it otherwise qualifies therefor and maintains surplus funds in amount not less than as required under laws of this state in force at the time such authority to transact insurance in this state was granted.

(3) A domestic reciprocal insurer heretofore formed shall maintain on deposit with the commissioner surplus funds of not less than the sum of one hundred thousand dollars, and to transact kinds of insurance transacted by it in addition to that authorized by its original certificate of authority, shall have and maintain surplus (including the amount of such deposit) in amount not less than the paid-in capital stock required under RCW 48.05.340(1) plus special surplus, if any, required under RCW 48.05.360, of a domestic stock insurer formed after 1967 and transacting the same kinds of insurance. Such additional surplus funds need not be deposited with the commissioner.

[1985 c 264 § 4; 1975 1st ex.s. c 266 § 5; 1963 c 195 § 5; 1947 c 79 § .10.07; Rem. Supp. 1947 § 45.10.07.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.10.080 Attorney.

(1) "Attorney" as used in this chapter refers to the attorney in fact of a reciprocal insurer. The attorney may be an individual, firm, or corporation.

(2) The attorney of a foreign or alien reciprocal insurer, which insurer is duly authorized to transact insurance in this state, shall not, by virtue of discharge of its duties as such attorney with respect to the insurer's transactions in this state, be thereby deemed to be doing business in this state within the meaning of any laws of this state applying to foreign persons, firms, or corporations.

(3) The subscribers and the attorney in fact comprise a reciprocal insurer and a single entity for the purposes of chapter 48.14 RCW as to all operations under the insurer's certificate of authority.

[1965 ex.s. c 70 § 35; 1947 c 79 § .10.08; Rem. Supp. 1947 § 45.10.08.]

RCW 48.10.090 Organization of reciprocal.

(1) Twenty-five or more persons domiciled in this state may organize a domestic reciprocal insurer and in compliance with this code make application to the commissioner for a certificate of authority to transact insurance.

(2) When applying for a certificate of authority, the original subscribers and the proposed attorney shall fulfill the requirements of and shall execute and file with the commissioner a declaration setting forth:

- (a) the name of the insurer;
- (b) the location of the insurer's principal office, which shall be the same as that of the attorney and shall be maintained within this state;
- (c) the kinds of insurance proposed to be transacted;
- (d) the names and addresses of the original subscribers;
- (e) the designation and appointment of the proposed attorney and a copy of the power of attorney;
- (f) the names and addresses of the officers and directors of the attorney, if a corporation, or of its members, if a firm;
- (g) the powers of the subscribers' advisory committee and the names and terms of office of the members thereof;
- (h) that all moneys paid to the reciprocal, after deducting therefrom any sum payable to the attorney, shall be held in the name of the insurer and for the purposes specified in the subscriber's agreement;
 - (i) a copy of the subscriber's agreement;
 - (j) a statement that each of the original subscribers has in good faith applied for insurance of the kind proposed to be transacted, and that the insurer has received from each such subscriber the full premium or premium deposit required for the policy applied for, for a term of not less than six months at the rate theretofore filed with and approved by the commissioner;

(k) a statement of the financial condition of the insurer, a schedule of its assets, and a statement that the surplus as required by RCW 48.10.070 is on hand;

(l) a copy of each policy, endorsement, and application form it then proposes to issue or use.

Such declaration shall be acknowledged by each such subscriber and by the attorney in the manner required for the acknowledgment of deeds to real estate.

[1947 c 79 § .10.09; Rem. Supp. 1947 § 45.10.09.]

RCW 48.10.100 Policies of original subscribers, effective when.

Any policy applied for by an original subscriber shall become effective coincidentally with the issuance of a certificate of authority to the reciprocal insurer.

[1947 c 79 § .10.10; Rem. Supp. 1947 § 45.10.10.]

RCW 48.10.110 Certificate of authority.

(1) The certificate of authority of a reciprocal insurer shall be issued to its attorney in the name of the insurer.

(2) The commissioner may refuse, suspend, or revoke the certificate of authority, in addition to other grounds therefor, for failure of its attorney to comply with any provision of this code.

[1947 c 79 § .10.11; Rem. Supp. 1947 § 45.10.11.]

RCW 48.10.120 Power of attorney.

(1) The rights and powers of the attorney of a reciprocal insurer shall be as provided in the power of attorney given it by the subscribers.

(2) The power of attorney must set forth:

(a) The powers of the attorney;

(b) that the attorney is empowered to accept service of process on behalf of the insurer and to authorize the commissioner to receive service of process in actions against the insurer upon contracts exchanged;

(c) the services to be performed by the attorney in general;

(d) the maximum amount to be deducted from advance premiums or deposits to be paid to the attorney;

(e) except as to nonassessable policies, a provision for a contingent several liability of each subscriber in a specified amount which amount shall be not less than one nor more than ten times the premium or premium deposit stated in the policy.

(3) The power of attorney may:

(a) Provide for the right of substitution of the attorney and revocation of the power of attorney and rights thereunder;

(b) impose such restrictions upon the exercise of the power as are agreed upon by the subscribers;

(c) provide for the exercise of any right reserved to the subscribers directly or through their advisory committee;

(d) contain other lawful provisions deemed advisable.

(4) The terms of any power of attorney or agreement collateral thereto shall be reasonable and equitable, and no such power or agreement or any amendment thereof, shall be used or be effective in this state until approved by the commissioner.

[1949 c 190 § 15; 1947 c 79 § .10.12; Rem. Supp. 1949 § 45.10.12.]

RCW 48.10.130 Modification of subscriber's agreement or power of attorney.

Modification of the terms of the subscriber's agreement or of the power of attorney of a domestic reciprocal insurer shall be made jointly by the attorney and the subscribers' advisory committee. No such modification shall be effective retroactively, nor as to any insurance contract issued prior thereto.

[1947 c 79 § .10.13; Rem. Supp. 1947 § 45.10.13.]

RCW 48.10.140 Attorney's bond.

(1) Concurrently with the filing of the declaration provided for in RCW 48.10.090, (or, if an existing domestic reciprocal insurer, within ninety days after the effective date of this code) the attorney of a domestic reciprocal shall file with the commissioner a bond running to the state of Washington. The bond shall be executed by the attorney and by an authorized corporate surety, and shall be subject to the commissioner's approval.

(2) The bond shall be in the penal sum of twenty-five thousand dollars, conditioned that the attorney will faithfully account for all moneys and other property of the insurer coming into his hands, and that he will not withdraw or appropriate for his own use from the funds of the insurer any moneys or property to which he is not entitled under the power of attorney.

(3) The bond shall provide that it is not subject to cancellation unless thirty days advance notice in writing of intent to cancel is given to both the attorney and the commissioner.

[1947 c 79 § .10.14; Rem. Supp. 1947 § 45.10.14.]

RCW 48.10.150 Deposit in lieu of bond.

In lieu of such bond, the attorney may maintain on deposit with the commissioner a like amount in cash or in value of securities qualified under this code as insurers' investments, and subject to the same conditions as the bond.

[1947 c 79 § .10.15; Rem. Supp. 1947 § 45.10.15.]

RCW 48.10.160 Actions on bond.

Action on the attorney's bond or to recover against any such deposit made in lieu thereof may be brought at any one time by one or more subscribers suffering loss through a violation of the conditions thereof or by a receiver or liquidator of the insurer. Amounts so recovered shall be deposited in and become part of the insurer's funds.

[1947 c 79 § .10.16; Rem. Supp. 1947 § 45.10.16.]

RCW 48.10.170 Service of legal process.

(1) A certificate of authority shall not be issued to a domestic reciprocal insurer unless prior thereto the attorney has executed and filed with the commissioner the insurer's irrevocable authorization of the commissioner to receive legal process issued in this state against the insurer upon any cause of action arising within this state.

(2) The provisions of RCW 48.05.210 shall apply to service of such process upon the commissioner.

(3) In lieu of service on the commissioner, legal process may be served upon a domestic reciprocal insurer by serving the insurer's attorney at his principal offices.

(4) Any judgment against the insurer based upon legal process so served shall be binding upon each of the insurer's subscribers as their respective interests may appear and in an amount not exceeding their respective contingent liabilities.

[1947 c 79 § .10.17; Rem. Supp. 1947 § 45.10.17.]

RCW 48.10.180 Annual statement.

The annual statement of a reciprocal insurer shall be made and filed by the attorney.

[1947 c 79 § .10.18; Rem. Supp. 1947 § 45.10.18.]

RCW 48.10.190 Attorney's contribution--Repayment.

No contribution to a domestic reciprocal insurer's surplus by the attorney shall be retrievable by the attorney except under such terms and in such circumstances as the commissioner approves.

[1947 c 79 § .10.19; Rem. Supp. 1947 § 45.10.19.]

RCW 48.10.200 Determination of financial condition.

In determining the financial condition of a reciprocal insurer the commissioner shall apply the following rules:

(1) He shall charge as liabilities the same reserves as are required of incorporated insurers issuing nonassessable policies on a reserve basis.

(2) The surplus deposits of subscribers shall be allowed as assets, except that any

premium deposit delinquent for ninety days shall first be charged against such surplus deposit.

(3) The surplus deposits of subscribers shall not be charged as a liability.

(4) All premium deposits delinquent less than ninety days shall be allowed as assets.

(5) An assessment levied upon subscribers, and not collected, shall not be allowed as an asset.

(6) The contingent liability of subscribers shall not be allowed as an asset.

(7) The computation of reserves shall be based upon premium deposits other than membership fees and without any deduction for the compensation of the attorney.

[1947 c 79 § .10.20; Rem. Supp. 1947 § 45.10.20.]

RCW 48.10.220 Who may become subscriber.

Any person, government or governmental agency, state or political subdivision thereof, public or private corporation, board, association, estate, trustee, or fiduciary may be a subscriber of a reciprocal insurer.

[1947 c 79 § .10.22; Rem. Supp. 1947 § 45.10.22.]

RCW 48.10.230 Subscribers' advisory committee.

(1) The advisory committee of a domestic reciprocal insurer exercising the subscribers' rights shall be selected under such rules as the subscribers adopt.

(2) Not less than three-fourths of such committee shall be composed of subscribers other than the attorney, or any person employed by, representing, or having a financial interest in the attorney.

(3) The committee shall:

(a) Supervise the finances of the insurer;

(b) supervise the insurer's operations to such extent as to assure their conformity with the subscribers' agreement and power of attorney;

(c) procure the audit of the accounts and records of the insurer and of the attorney at the expense of the insurer;

(d) have such additional powers and functions as may be conferred by the subscribers' agreement.

[1947 c 79 § .10.23; Rem. Supp. 1947 § 45.10.23.]

RCW 48.10.250 Assessment liability of subscriber.

(1) The liability of each subscriber subject to assessment for the obligations of the reciprocal insurer shall not be joint, but shall be individual and several.

(2) Each subscriber who is subject to assessment shall have a contingent assessment liability, in the amount provided for in the power of attorney or in the subscribers' agreement, for payment of actual losses and expenses incurred while his policy was in force. Such contingent

liability may be at the rate of not less than one nor more than ten times the premium or premium deposit stated in the policy, and the maximum aggregate thereof shall be computed in the manner set forth in RCW 48.10.290.

(3) Each assessable policy issued by the insurer shall plainly set forth a statement of the contingent liability.

[1947 c 79 § .10.25; Rem. Supp. 1947 § 45.10.25.]

RCW 48.10.260 Action against subscriber requires judgment against insurer.

(1) No action shall lie against any subscriber upon any obligation claimed against the insurer until a final judgment has been obtained against the insurer and remains unsatisfied for thirty days.

(2) Any such judgment shall be binding upon each subscriber only in such proportion as his interests may appear and in an amount not exceeding his contingent liability, if any.

[1947 c 79 § .10.26; Rem. Supp. 1947 § 45.10.26.]

RCW 48.10.270 Assessments.

(1) Assessments may be levied from time to time upon the subscribers of a domestic reciprocal insurer, other than as to nonassessable policies, by the attorney upon approval in advance by the subscribers' advisory committee and the commissioner; or by the commissioner in liquidation of the insurer.

(2) Each such subscriber's share of a deficiency for which an assessment is made, not exceeding in any event his aggregate contingent liability as computed in accordance with RCW 48.10.290, shall be computed by applying to the premium earned on the subscriber's policy or policies during the period to be covered by the assessment, the ratio of the total deficiency to the total premiums earned during such period upon all policies subject to the assessment.

(3) In computing the earned premiums for the purposes of this section, the gross premium received by the insurer for the policy shall be used as a base, deducting therefrom solely charges not recurring upon the renewal or extension of the policy.

(4) No subscriber shall have an offset against any assessment for which he is liable, on account of any claim for unearned premium or losses payable.

[1947 c 79 § .10.27; Rem. Supp. 1947 § 45.10.27.]

RCW 48.10.280 Time limit for assessment.

Every subscriber of a domestic reciprocal insurer having contingent liability shall be liable for, and shall pay his share of any assessment, as computed and limited in accordance with this chapter, if:

(1) While his policy is in force or within one year after its termination, he is notified by either the attorney or the commissioner of his intention to levy such assessment; or

(2) If an order to show cause why a receiver, conservator, rehabilitator, or liquidator of the insurer should not be appointed is issued pursuant to RCW 48.31.190 while his policy is in force or within one year after its termination.

[1947 c 79 § .10.28; Rem. Supp. 1947 § 45.10.28.]

RCW 48.10.290 Aggregate liability.

No one policy or subscriber as to such policy, shall be assessed or be charged with an aggregate of contingent liability as to obligations incurred by a domestic reciprocal insurer in any one calendar year, in excess of the number of times the premium as stated in the policy as computed solely upon premium earned on such policy during that year.

[1947 c 79 § .10.29; Rem. Supp. 1947 § 45.10.29.]

RCW 48.10.300 Nonassessable policies.

(1) Subject to the special surplus requirements of RCW 48.05.360, if a reciprocal insurer has a surplus of assets over all liabilities at least equal to the minimum capital stock required of a domestic stock insurer authorized to transact like kinds of insurance, upon application of the attorney and as approved by the subscribers' advisory committee the commissioner shall issue his certificate authorizing the insurer to extinguish the contingent liability of subscribers under its policies then in force in this state, and to omit provisions imposing contingent liability in all policies delivered or issued for delivery in this state for so long as all such surplus remains unimpaired.

(2) Upon impairment of such surplus, the commissioner shall forthwith revoke the certificate. No policy shall thereafter be issued or renewed without providing for the contingent assessment liability of subscribers.

(3) The commissioner shall not authorize a domestic reciprocal insurer so to extinguish the contingent liability of any of its subscribers or in any of its policies to be issued, unless it qualifies to and does extinguish such liability of all its subscribers and in all such policies for all kinds of insurance transacted by it. Except, that if required by the laws of another state in which the insurer is transacting insurance as an authorized insurer, the insurer may issue policies providing for the contingent liability of such of its subscribers as may acquire such policies in such state, and need not extinguish the contingent liability applicable to policies theretofore in force in such state.

[1983 c 3 § 148; 1947 c 79 § .10.30; Rem. Supp. 1947 § 45.10.30.]

RCW 48.10.310 Return of savings to subscribers.

A reciprocal insurer may from time to time return to its subscribers any savings or credits accruing to their accounts. Any such distribution shall not unfairly discriminate between classes of risks, or policies, or between subscribers.

[1947 c 79 § .10.31; Rem. Supp. 1947 § 45.10.31.]

RCW 48.10.320 Distribution of assets upon liquidation.

Upon the liquidation of a domestic reciprocal insurer, its assets remaining after discharge of its indebtedness and policy obligations, the return of any contribution of the attorney to its surplus made as provided in RCW 48.10.190, and the return of any unused deposits, savings, or credits, shall be distributed to its subscribers who were such within the twelve months prior to the last termination of its certificate of authority according to such formula as may have been approved by the commissioner.

[1947 c 79 § .10.32; Rem. Supp. 1947 § 45.10.32.]

RCW 48.10.330 Merger--Conversion to stock or mutual insurer.

(1) A domestic reciprocal insurer, upon affirmative vote of not less than two-thirds of the subscribers who vote upon such merger pursuant to such notice as may be approved by the commissioner and with the approval of the commissioner of the terms therefor, may merge with another reciprocal insurer or be converted to a stock or mutual insurer.

(2) Such a stock or mutual insurer shall be subject to the same capital requirements and shall have the same rights as a like domestic insurer transacting like kinds of insurance.

(3) The commissioner shall not approve any plan for such merger or conversion which is inequitable to subscribers, or which, if for conversion to a stock insurer, does not give each subscriber preferential right to acquire stock of the proposed insurer proportionate to his interest in the reciprocal insurer as determined in accordance with RCW 48.10.320 and a reasonable length of time within which to exercise such right.

[1947 c 79 § .10.33; Rem. Supp. 1947 § 45.10.33.]

RCW 48.10.340 Impairment of assets--Procedure.

(1) If the assets of a domestic reciprocal insurer are at any time insufficient to discharge its liabilities other than any liability on account of funds contributed by the attorney, and to maintain the surplus required for the kinds of insurance it is authorized to transact, its attorney shall forthwith levy an assessment upon subscribers made subject to assessment by the terms of their policies for the amount needed to make up the deficiency.

(2) If the attorney fails to make the assessment within thirty days after the commissioner orders him to do so, or if the deficiency is not fully made up within sixty days after the date the assessment was made, the insurer shall be deemed insolvent and shall be proceeded against as authorized by this code.

(3) If liquidation of such an insurer is ordered, an assessment shall be levied upon the subscribers for such an amount, subject to limits as provided by this chapter, as the commissioner determines to be necessary to discharge all liabilities of the insurer, exclusive of

any funds contributed by the attorney, but including the reasonable cost of the liquidation.

[1947 c 79 § .10.34; Rem. Supp. 1947 § 45.10.34.]

Chapter 48.11 RCW INSURING POWERS

Sections

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| 48.11.020 | "Life insurance" defined. |
| 48.11.030 | "Disability insurance" defined--"Stop loss insurance" defined. |
| 48.11.040 | "Property insurance" defined. |
| 48.11.050 | "Marine and transportation insurance" defined. |
| 48.11.060 | "Vehicle insurance" defined. |
| 48.11.070 | "General casualty insurance" defined. |
| 48.11.080 | "Surety insurance" defined. |
| 48.11.100 | "Title insurance" defined. |
| 48.11.130 | Reinsurance powers. |
| 48.11.140 | Limitation of single risk. |

Notes:

Workers' compensation: Title 51 RCW.

RCW 48.11.020 "Life insurance" defined.

"Life insurance" is insurance on human lives and insurances appertaining thereto or connected therewith. For the purposes of this code the transacting of life insurance includes the granting of annuities and endowment benefits; additional benefits in event of death by accident; additional benefits in event of the total and permanent disability of the insured; and optional modes of settlement of proceeds.

[1947 c 79 § .11.02; Rem. Supp. 1947 § 45.11.02.]

RCW 48.11.030 "Disability insurance" defined--"Stop loss insurance" defined.

"Disability insurance" is insurance against bodily injury, disablement or death by accident, against disablement resulting from sickness, and every insurance appertaining thereto including stop loss insurance. "Stop loss insurance" is insurance against the risk of economic loss assumed under a self-funded employee disability benefit plan.

[1992 c 226 § 1; 1947 c 79 § .11.03; Rem. Supp. 1947 § 45.11.03.]

Notes:

Application--1992 c 226: "This act applies to policies issued or renewed on or after July 1, 1992." [1992 c 226 § 4.]

RCW 48.11.040 "Property insurance" defined.

"Property insurance" is insurance against loss of or damage to real or personal property of every kind and any interest therein, from any or all hazard or cause, and against loss consequential upon such loss or damage.

[1947 c 79 § .11.04; Rem. Supp. 1947 § 45.11.04.]

RCW 48.11.050 "Marine and transportation insurance" defined.

"Marine and transportation insurance" is:

(1) Insurance against loss of or damage to:

(a) Vessels, craft, aircraft, vehicles, goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, securities, choses in action, evidences of debt, valuable papers, bottomry, and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit or transportation, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting shipment, or during any delays, storage, transshipment, or reshipment incident thereto, including war risks, marine builder's risks, and all personal property floater risks.

(b) Person or property in connection with or appertaining to a marine, transit or transportation insurance, including liability for loss of or damage to either incident to the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds nor insurance against loss by reason of bodily injury to any person arising out of the ownership, maintenance, or use of automobiles).

(c) Precious stones, jewels, jewelry, precious metals, whether in course of transportation or otherwise.

(d) Bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage); piers, wharves, docks and slips, and other aids to navigation and transportation, including dry docks and marine railways, dams and appurtenant facilities for the control of waterways.

(2) "Marine protection and indemnity insurance," meaning insurance against, or against legal liability of the insured for, loss, damage, or expense incident to ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness or death or for loss of or damage to the property of another person.

[1947 c 79 § .11.05; Rem. Supp. 1947 § 45.11.05.]

RCW 48.11.060 "Vehicle insurance" defined.

(1) "Vehicle insurance" is insurance against loss or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therein or therefrom, and against any loss or liability resulting from or incident to ownership, maintenance, or use of any such vehicle or aircraft or animal.

(2) Insurance against accidental death or accidental injury to individuals while in,

entering, alighting from, adjusting, repairing, cranking, or caused by being struck by a vehicle, aircraft, or draft or riding animal, if such insurance is issued as part of insurance on the vehicle, aircraft, or draft or riding animal, shall be deemed to be vehicle insurance.

[1947 c 79 § .11.06; Rem. Supp. 1947 § 45.11.06.]

RCW 48.11.070 "General casualty insurance" defined.

"General casualty insurance" includes vehicle insurance as defined in RCW 48.11.060, and in addition is insurance:

(1) Against legal liability for the death, injury, or disability of any human being, or for damage to property.

(2) Of medical, hospital, surgical and funeral benefits to persons injured, irrespective of legal liability of the insured, when issued with or supplemental to insurance against legal liability for the death, injury or disability of human beings.

(3) Of the obligations accepted by, imposed upon, or assumed by employers under law for workers' compensation.

(4) Against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation or wrongful conversion, disposal or concealment, or from any attempt of any of the foregoing; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers or documents, resulting from any cause, except while in the custody or possession of and being transported by any carrier for hire or in the mail.

(5) Upon personal effects against loss or damage from any cause.

(6) Against loss or damage to glass, including its lettering, ornamentation and fittings.

(7) Against any liability and loss or damage to property resulting from accidents to or explosions of boilers, pipes, pressure containers, machinery, or apparatus and to make inspection of and issue certificates of inspection upon elevators, boilers, machinery, and apparatus of any kind.

(8) Against loss or damage to any property caused by the breakage or leakage of sprinklers, water pipes and containers, or by water entering through leaks or openings in buildings.

(9) Against loss or damage resulting from failure of debtors to pay their obligations to the insured (credit insurance).

(10) Against any other kind of loss, damage, or liability properly the subject of insurance and not within any other kind or kinds of insurance as defined in this chapter, if such insurance is not contrary to law or public policy.

[1987 c 185 § 18; 1953 c 197 § 5; 1947 c 79 § .11.07; Rem. Supp. 1947 § 45.11.07.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.11.080 "Surety insurance" defined.

"Surety insurance" includes:

- (1) Credit insurance as defined in subdivision (9) of RCW 48.11.070.
- (2) Bail bond insurance.
- (3) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust.
- (4) Guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings, and contracts of suretyship.
- (5) Indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss resulting from any cause of bills of exchange, notes, bonds, securities, evidence of debts, deeds, mortgages, warehouse receipts, or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation; also against loss or damage to such an insured's premises, or to his furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

[1967 c 150 § 8; 1947 c 79 § .11.08; Rem. Supp. 1947 § 45.11.08.]

RCW 48.11.100 "Title insurance" defined.

"Title insurance" is insurance of owners of property or others having an interest therein, against loss by encumbrance, or defective titles, or adverse claim to title, and services connected therewith.

[1947 c 79 § .11.10; Rem. Supp. 1947 § 45.11.10.]

RCW 48.11.130 Reinsurance powers.

A domestic mutual assessment insurer shall not have authority to accept reinsurance. Any other domestic insurer may accept reinsurance only of such kinds of insurance as it is authorized to transact direct.

[1947 c 79 § .11.13; Rem. Supp. 1947 § 45.11.13.]

RCW 48.11.140 Limitation of single risk.

(1) No insurer shall retain any risk on any one subject of insurance, whether located or to be performed in this state or elsewhere, in an amount exceeding ten percent of its surplus to policyholders.

(2) For the purposes of this section, a "subject of insurance" as to insurance against fire includes all properties insured by the same insurer which are reasonably subject to loss or damage from the same fire.

(3) Reinsurance in an alien reinsurer not qualified under *RCW 48.05.300 may not be deducted in determining risk retained for the purposes of this section.

(4) In the case of surety insurance, the net retention shall be computed after deduction of reinsurances, the amount assumed by any co-surety, the value of any security deposited, pledged, or held subject to the consent of the surety and for the protection of the surety.

(5) This section does not apply to life insurance, disability insurance, title insurance, or insurance of marine risks or marine protection and indemnity risks.

[1993 c 462 § 53; 1983 c 3 § 149; 1959 c 225 § 2; 1947 c 79 § .11.14; Rem. Supp. 1947 § 45.11.14.]

Notes:

***Reviser's note:** RCW 48.05.300 was repealed by 1997 c 379 § 10.

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

Chapter 48.12 RCW ASSETS AND LIABILITIES

Sections

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RCW 48.12.010 "Assets" defined.

In any determination of the financial condition of any insurer there shall be allowed as assets only such assets as belong wholly and exclusively to the insurer, which are registered, recorded, or held under the insurer's name, and which consist of:

(1) Cash in the possession of the insurer or in transit under its control, and the true balance of any deposit of the insurer in a solvent bank or trust company;

(2) Investments, securities, properties, and loans acquired or held in accordance with this code, and in connection therewith the following items:

(a) Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.

(b) Declared and unpaid dividends on stocks and shares unless such amount has otherwise been allowed as an asset.

(c) Interest due or accrued upon a collateral loan in an amount not to exceed one year's interest thereon.

(d) Interest due or accrued on deposits in solvent banks and trust companies, and interest due or accrued on other assets if such interest is in the judgment of the commissioner a collectible asset.

(e) Interest due or accrued on a mortgage loan, in amount not exceeding in any event the amount, if any, of the difference between the unpaid principal and the value of the property less delinquent taxes thereon; but if any interest on the loan is in default more than eighteen months, or if any interest on the loan is in default and any taxes or any installment thereof on the property are and have been due and unpaid for more than eighteen months, no allowance shall be made for any interest on the loan.

(f) Rent due or accrued on real property if such rent is not in arrears for more than three months.

(3) Premium notes, policy loans, and other policy assets and liens on policies of life insurance, in amount not exceeding the legal reserve and other policy liabilities carried on each individual policy;

(4) The net amount of uncollected and deferred premiums in the case of a life insurer which carries the full annual mean tabular reserve liability;

(5) Premiums in the course of collection, other than for life insurance, not more than ninety days past due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable directly or indirectly by the United States government or any of its instrumentalities;

(6) Installment premiums other than life insurance premiums, in accordance with regulations prescribed by the commissioner consistent with practice formulated or adopted by the National Association of Insurance Commissioners;

(7) Notes and like written obligations not past due, taken for premiums other than life insurance premiums, on policies permitted to be issued on such basis, to the extent of the

unearned premium reserves carried thereon and unless otherwise required by regulation prescribed by the commissioner;

(8) Reinsurance recoverable subject to RCW 48.12.160;

(9) Amounts receivable by an assuming insurer representing funds withheld by a solvent ceding insurer under a reinsurance treaty;

(10) Deposits or equities recoverable from underwriting associations, syndicates and reinsurance funds, or from any suspended banking institution, to the extent deemed by the commissioner available for the payment of losses and claims and at values to be determined by him;

(11) Electronic and mechanical machines constituting a data processing and accounting system if the cost of such system is at least twenty-five thousand dollars, which cost shall be amortized in full over a period not to exceed ten calendar years; and

(12) Other assets, not inconsistent with the foregoing provisions, deemed by the commissioner available for the payment of losses and claims, at values to be determined by him.

[1977 ex.s. c 180 § 2; 1963 c 195 § 11; 1947 c 79 § .12.01; Rem. Supp. 1947 § 45.12.01.]

RCW 48.12.020 Nonallowable assets.

In addition to assets impliedly excluded under RCW 48.12.010, the following expressly shall not be allowed as assets in any determination of the financial condition of an insurer:

(1) Goodwill, except in accordance with regulations prescribed by the commissioner, trade names, agency plants and other like intangible assets.

(2) Prepaid or deferred charges for expenses and commissions paid by the insurer.

(3) Advances to officers (other than policy loans or loans made pursuant to RCW 48.07.130), whether secured or not, and advances to employees, agents and other persons on personal security only.

(4) Stock of such insurer, owned by it, or any equity therein or loans secured thereby, or any proportionate interest in such stock through the ownership by such insurer of an interest in another firm, corporation or business unit.

(5) Furniture, furnishings, fixtures, safes, equipment, vehicles, library, stationery, literature, and supplies; except, electronic and mechanical machines authorized by subsection (11) of RCW 48.12.010, or such personal property as the insurer is permitted to hold pursuant to paragraph (e) of subsection (2) of RCW 48.13.160, or which is acquired through foreclosure of chattel mortgages acquired pursuant to RCW 48.13.150, or which is reasonably necessary for the maintenance and operation of real estate lawfully acquired and held by the insurer other than real estate used by it for home office, branch office, and similar purposes.

(6) The amount, if any, by which the aggregate book value of investments as carried in the ledger assets of the insurer exceeds the aggregate value thereof as determined under this code.

[1982 c 218 § 1; 1963 c 195 § 12; 1947 c 79 § .12.02; Rem. Supp. 1947 § 45.12.02.]

Notes:

Severability--1982 c 218: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 218 § 7.]

RCW 48.12.030 Liabilities.

In any determination of the financial condition of an insurer, liabilities to be charged against its assets shall include:

- (1) The amount of its capital stock outstanding, if any; and
- (2) The amount, estimated consistent with the provisions of this chapter, necessary to pay all of its unpaid losses and claims incurred on or prior to the date of statement, whether reported or unreported, together with the expense of adjustment or settlement thereof; and
- (3) With reference to life and disability insurance, and annuity contracts,
 - (a) the amount of reserves on life insurance policies and annuity contracts in force (including disability benefits for both active and disabled lives, and accidental death benefits, in or supplementary thereto) and disability insurance, valued according to the tables of mortality, tables of morbidity, rates of interest, and methods adopted pursuant to this chapter which are applicable thereto; and
 - (b) any additional reserves which may be required by the commissioner, consistent with practice formulated or approved by the National Association of Insurance Commissioners, on account of such insurances; and
- (4) With reference to insurances other than those specified in subdivision (3) of this section, and other than title insurance, the amount of reserves equal to the unearned portions of the gross premiums charged on policies in force, computed in accordance with this chapter; and
- (5) Taxes, expenses, and other obligations accrued at the date of the statement; and
- (6) Any additional reserve set up by the insurer for a specific liability purpose or required by the commissioner consistent with practices adopted or approved by the National Association of Insurance Commissioners.

[1973 1st ex.s. c 162 § 1; 1947 c 79 § .12.03; Rem. Supp. 1947 § 45.12.03.]

RCW 48.12.040 Unearned premium reserve, property, casualty, and surety insurance.

(1) With reference to insurances against loss or damage to property, except as provided in RCW 48.12.050, and with reference to all general casualty insurances, and surety insurances, every insurer shall maintain an unearned premium reserve on all policies in force.

(2) The commissioner may require that such reserve shall be equal to the unearned portions of the gross premiums in force after deducting authorized reinsurance, as computed on each respective risk from the policy's date of issue. If the commissioner does not so require, the portions of the gross premiums in force, less authorized reinsurance, to be held as a premium reserve, shall be computed according to the following table:

| Term for which policy | Reserve for |
|-----------------------|-------------|
|-----------------------|-------------|

| was written | unearned premium | |
|----------------------------|------------------|------|
| One year, or less. | | 1/2 |
| Two years. | First year | 3/4 |
| | Second year | 1/4 |
| Three years. | First year | 5/6 |
| | Second year | 1/2 |
| | Third year | 1/6 |
| Four years. | First year | 7/8 |
| | Second year | 5/8 |
| | Third year | 3/8 |
| | Fourth year | 1/8 |
| Five years. | First year | 9/10 |
| | Second year | 7/10 |
| | Third year | 1/2 |
| | Fourth year | 3/10 |
| | Fifth year | 1/10 |
| Over five years. | Pro rata | |

(3) In lieu of computation according to such table, all of such reserves may be computed, at the insurer's option, on a monthly pro rata basis.

(4) After adopting any one of the methods for computing such reserve an insurer shall not change methods without the commissioner's approval.

(5) If, for certain policies, the insurer's exposure to loss is uneven over the policy term, the commissioner may grant permission to the insurer to use a different method of calculating the unearned premium reserve on those certain policies.

[1995 c 35 § 1; 1973 1st ex.s. c 162 § 2; 1947 c 79 § .12.04; Rem. Supp. 1947 § 45.12.04.]

RCW 48.12.050 Unearned premium reserve, marine and transportation insurance.

With reference to marine and transportation insurances, premiums on trip risks not terminated shall be deemed unearned and the commissioner may require the insurer to carry a reserve thereon equal to one hundred percent on trip risks written during the month ended as of the date of statement; and computed upon a pro rata basis or, with the commissioner's consent, in accordance with the alternative methods provided in RCW 48.12.040 for all other risks.

[1947 c 79 § .12.05; Rem. Supp. 1947 § 45.12.05.]

RCW 48.12.060 Reserve--Disability insurance.

For all disability insurance policies the insurer shall maintain an active life reserve which shall place a sound value on its liabilities under such policies and be not less than the reserve

according to appropriate standards set forth in regulations issued by the commissioner and, in no event, less in the aggregate than the pro rata gross unearned premiums for such policies.

[1973 1st ex.s. c 162 § 3; 1947 c 79 § .12.06; Rem. Supp. 1947 § 45.12.06.]

RCW 48.12.070 Loss records.

An insurer shall maintain a complete and itemized record showing all losses and claims as to which it has received notice, including with regard to property, casualty, surety, and marine and transportation insurances, all notices received of the occurrence of any event which may result in a loss.

[1947 c 79 § .12.07; Rem. Supp. 1947 § 45.12.07.]

RCW 48.12.080 Increased reserves.

(1) If the commissioner determines that an insurer's unearned premium reserves, however computed, are inadequate, he may require the insurer to compute such reserves or any part thereof according to such other method or methods as are prescribed in this chapter.

(2) If the loss experience of an insurer shows that its loss reserves, however estimated, are inadequate, the commissioner shall require the insurer to maintain loss reserves in such increased amount as is needed to make them adequate.

[1947 c 79 § .12.08; Rem. Supp. 1947 § 45.12.08.]

RCW 48.12.090 Loss reserves--Liability insurance.

The reserves for outstanding losses and loss expenses under policies of personal injury liability insurance and under policies of employer's liability insurance shall be computed as follows:

(1) The reserves for outstanding losses and loss expenses under policies of personal injury liability insurance and under policies of employer's liability insurance shall be computed in accordance with accepted loss-reserving standards and principles and shall make a reasonable provision for all unpaid loss and loss expense obligations of the insurer under the terms of such policies.

(2) Reserves under liability policies written during the three years immediately preceding the date of determination shall include any additional reserves required by the annual statement instructions of the national association of insurance commissioners.

[1995 c 35 § 2; 1947 c 79 § .12.09; Rem. Supp. 1947 § 45.12.09.]

RCW 48.12.100 Unallocated liability loss expense.

Subject to any restrictions contained in the annual statement instructions or accounting practices and procedures manuals of the national association of insurance commissioners, all

unallocated liability loss expense payments shall be distributed as follows:

- (1) All payments associated with particular claims shall be distributed to the year in which the claim was covered; and
- (2) All other payments shall be distributed by year in a reasonable manner.

[1995 c 35 § 3; 1947 c 79 § .12.10; Rem. Supp. 1947 § 45.12.10.]

RCW 48.12.110 Schedule of experience.

Any insurer transacting any liability or workers' compensation insurances shall include in its annual statement filed with the commissioner, a schedule of its experience thereunder in such form as the commissioner may prescribe.

[1987 c 185 § 19; 1947 c 79 § .12.11; Rem. Supp. 1947 § 45.12.11.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.12.120 Loss reserve--Workers' compensation insurance.

The loss reserve for workers' compensation insurance shall be as follows:

- (1) For all compensation claims under policies of compensation insurance written more than three years prior to the date of determination, the loss reserve shall be not less than the present values at four percent interest of the determined and the estimated future payments.
- (2) For all compensation claims under policies of compensation insurance written in the three years immediately preceding the date of determination, the loss reserve shall be not less than the present value at three and one-half percent interest of the determined and the estimated future payments, and shall include any additional reserves required by the annual statement instructions of the national association of insurance commissioners.

[1995 c 35 § 4; 1987 c 185 § 20; 1947 c 79 § .12.12; Rem. Supp. 1947 § 45.12.12.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.12.130 Unallocated workers' compensation loss expense.

Subject to any restrictions contained in the annual statement instructions or accounting practices and procedures manuals of the national association of insurance commissioners, all unallocated workers' compensation loss expense payments shall be distributed as follows:

- (1) All payments associated with particular claims shall be distributed to the year in which the claim was covered; and
- (2) All other payments shall be distributed by year in a reasonable manner.

[1995 c 35 § 5; 1987 c 185 § 21; 1947 c 79 § .12.13; Rem. Supp. 1947 § 45.12.13.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.12.140 "Loss payments," "loss expense" defined.

"Loss payments" and "loss expense payments" as used with reference to liability and workers' compensation insurances shall include all payments to claimants, payments for medical and surgical attendance, legal expenses, salaries and expenses of investigators, adjusters and claims field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home office expenses and all other payments made on account of claims, whether such payments are allocated to specific claims or are unallocated.

[1987 c 185 § 22; 1947 c 79 § .12.14; Rem. Supp. 1947 § 45.12.14.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.12.154 Rules.

The commissioner may adopt rules to implement and administer chapter 379, Laws of 1997.

[1997 c 379 § 9.]

Notes:

Purpose--Intent--1997 c 379: See note following RCW 48.12.156.

RCW 48.12.156 Qualified United States financial institution--Definition.

For purposes of chapter 379, Laws of 1997, a "qualified United States financial institution" means an institution that complies with all of the following:

(1) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(2) Is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks and trust companies;

(3) Has been determined by the commissioner, or, in the discretion of the commissioner, the securities valuation office of the national association of insurance commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner; and

(4) Is not affiliated with the assuming company.

[1997 c 379 § 2.]

Notes:

Purpose--Intent--1997 c 379: "(1) The purpose of this act is to protect the interest of insureds, claimants, ceding insurers, assuming insurers, and the public generally.

(2) It is the intent of the legislature to ensure adequate regulation of insurers and reinsurers and adequate

protection for those to whom they owe obligations.

(3) It is also the intent of the legislature to declare that the matters contained in this act are fundamental to the business of insurance and to exercise its powers and privileges under 15 U.S.C. Secs. 1011 and 1012." [1997 c 379 § 1.]

RCW 48.12.158 Insolvency of non-United States insurer or reinsurer--Maintenance of assets--Claims.

Upon insolvency of a non-United States insurer or reinsurer that provides security to fund its United States obligations in accordance with chapter 379, Laws of 1997, the assets representing the security must be maintained in the United States and claims must be filed with and valued by the state insurance commissioner with regulatory oversight, and the assets distributed, in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic United States insurance companies.

[1997 c 379 § 3.]

Notes:

Purpose--Intent--1997 c 379: See note following RCW 48.12.156.

RCW 48.12.160 Credit for reinsurance--Trust fund--Regulatory oversight.

(1) Any insurance company organized under the laws of this state may take credit as an asset or as a deduction from loss or claim, unearned premium, or life policy or contract reserves on risks ceded to a reinsurer to the extent reinsured by an insurer or insurers holding a certificate of authority to transact that kind of business in this state, unless the assuming insurer is the subject of a regulatory order or regulatory oversight by a state in which it is licensed based upon a commissioner's determination that the assuming insurer is in a hazardous financial condition. The credit on ceded risks reinsured by any insurer which is not authorized to transact business in this state may be taken:

(a) Where the reinsurer is a group including incorporated and unincorporated underwriters, and the group maintains a trust fund in a qualified United States financial institution which trust fund must be in an amount equal to:

(i) For reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after August 1, 1995, funds in trust in an amount not less than the group's several liabilities attributable to business ceded by United States domiciled insurers to any member of the group; or

(ii) For reinsurance ceded under reinsurance agreements with an inception date on or before July 31, 1995, and not amended or renewed after that date, notwithstanding the other provisions of chapter 379, Laws of 1997, funds in trust in an amount not less than the group's several insurance and reinsurance liabilities attributable to business written in the United States.

In addition, the group shall maintain a trusteed surplus of which one hundred million dollars shall be held jointly and exclusively for the benefit of United States ceding insurers of any member of the group.

The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and the group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants;

(b) Where the reinsurer does not meet the definition of (a) of this subsection, the single assuming alien reinsurer that, as of the date of the ceding insurer's statutory financial statement, maintains a trust fund in a qualified United States financial institution, which trust fund must be in an amount not less than the assuming alien reinsurer's liabilities attributable to reinsurance ceded by United States domiciled insurers, and in addition, the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars, and the assuming alien reinsurer maintaining the trust fund must have received a registration from the commissioner under RCW 48.12.166. The assuming alien reinsurer shall report on or before February 28th to the commissioner substantially the same information as that required to be reported on the national association of insurance commissioners annual statement form by licensed insurers, to enable the commissioner to determine the sufficiency of the trust fund;

(c) In an amount not exceeding:

(i) The amount of deposits by and funds withheld from the assuming insurer pursuant to express provision therefor in the reinsurance contract, as security for the payment of the obligations thereunder, if the deposits or funds are assets of the types and amounts that are authorized under chapter 48.13 RCW and are held subject to withdrawal by and under the control of the ceding insurer or if the deposits or funds are placed in trust for these purposes in a bank which is a member of the federal reserve system and withdrawals from the trust cannot be made without the consent of the ceding company; or

(ii) The amount of a clean, irrevocable, and unconditional letter of credit issued by a United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance, and issued for a term of at least one year with provisions that it must be renewed unless the bank gives notice of nonrenewal at least thirty days before the expiration issued under arrangements satisfactory to the commissioner of insurance as constituting security to the ceding insurer substantially equal to that of a deposit under (c)(i) of this subsection.

(2) Credit for reinsurance may not be granted under subsection (1)(a), (b), and (c)(i) of this section unless:

(a) The form of the trust and amendments to the trust have been approved by the insurance commissioner of the state where the trust is located, or the insurance commissioner of another state who, pursuant to the terms of the trust agreement, has accepted principal regulatory oversight of the trust;

(b) The trust and trust amendments are filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled;

(c) The trust instrument provides that contested claims are valid, enforceable, and payable out of funds in trust to the extent remaining unsatisfied thirty days after entry of the final order of a court of competent jurisdiction in the United States;

(d) The trust vests legal title to its assets in the trustees of the trust for the benefit of the grantor's United States ceding insurers, their assigns, and successors in interest;

(e) The trust and the assuming insurer are subject to examination as determined by the commissioner;

(f) The trust shall remain in effect for as long as the assuming insurer, member, or former member of a group of insurers has outstanding obligations due under the reinsurance agreements subject to the trust; and

(g) No later than [than] February 28th of each year, the trustees of the trust report to the commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end. In addition, the trustees of the trust shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire within the next twelve months.

(3) Any reinsurance ceded by a company organized under the laws of this state or ceded by any company not organized under the laws of this state and transacting business in this state must be payable by the assuming insurer on the basis of liability of the ceding company under the contract or contracts reinsured without diminution because of the insolvency of the ceding company, and any such reinsurance agreement which may be canceled on less than ninety days notice must provide for a run-off of the reinsurance in force at the date of cancellation.

(4) The domiciliary conservator, liquidator, receiver, or statutory successor of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against the insolvent ceding insurer on the policy or bond reinsured within a reasonable time after such claim is filed in the insolvency proceeding and that during the pendency of such claim any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which it may deem available to the ceding insurer or its liquidator or receiver or statutory successor.

The expense thus incurred by the assuming insurer shall be chargeable subject to court approval against the insolvent ceding insurer as a part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer.

(5) Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.

(6) The credit permitted by subsection (1)(b) of this section is prohibited unless the assuming alien insurer agrees in the trust agreement, notwithstanding other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by subsection (1)(b) of this section or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile:

(a) To comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust fund;

(b) That assets be distributed by, and insurance claims of United States trust beneficiaries

be filed with and valued by, the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;

(c) That if the commissioner with regulatory oversight determines that the assets of the trust fund or a part thereof are not necessary to satisfy the claims of the United States ceding insurers, which are United States trust beneficiaries, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and

(d) That the grantor waives any right otherwise available to it under United States law that is inconsistent with this provision.

[1997 c 379 § 6; 1996 c 297 § 1; 1994 c 86 § 1; 1993 c 91 § 2; 1977 ex.s. c 180 § 3; 1947 c 79 § .12.16; Rem. Supp. 1947 § 45.12.16.]

Notes:

Purpose--Intent--1997 c 379: See note following RCW 48.12.156.

Rules to implement--1996 c 297: "The insurance commissioner shall adopt rules to implement and administer the amendatory changes made by section 1, chapter 297, Laws of 1996." [1996 c 297 § 2.]

Effective dates--1996 c 297: "(1) Sections 2 and 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1996].

(2) Section 1 of this act shall take effect January 1, 1997." [1996 c 297 § 4.]

Effective date--1994 c 86: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 23, 1994]." [1994 c 86 § 3.]

RCW 48.12.162 Credit for reinsurance--Contract provisions--After December 31, 1996--Payment--Rights of original insured or policyholder.

(1) Credit for reinsurance in a reinsurance contract entered into after December 31, 1996, is allowed a domestic ceding insurer as either an asset or a deduction from liability in accordance with RCW 48.12.160 only if the reinsurance contract contains provisions that provide, in substance, as follows:

(a) The reinsurer shall indemnify the ceding insurer against all or a portion of the risk it assumed according to the terms and conditions contained in the reinsurance contract.

(b) In the event of insolvency and the appointment of a conservator, liquidator, or statutory successor of the ceding company, the portion of risk or obligation assumed by the reinsurer is payable to the conservator, liquidator, or statutory successor on the basis of claims allowed against the insolvent company by a court of competent jurisdiction or by a conservator, liquidator, or statutory successor of the company having authority to allow such claims, without diminution because of that insolvency, or because the conservator, liquidator, or statutory successor failed to pay all or a portion of any claims. Payments by the reinsurer as provided in this subsection are made directly to the ceding insurer or to its conservator, liquidator, or statutory successor, except where the contract of insurance, reinsurance, or other written agreement specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer.

(2) Payment under a reinsurance contract must be made within a reasonable time with reasonable provision for verification in accordance with the terms of the reinsurance agreement. However, in no event shall the payments be beyond the period required by the national association of insurance commissioners accounting practices and procedures manual.

(3) The original insured or policyholder may not have any rights against the reinsurer that are not specifically set forth in the contract of reinsurance, or in a specific agreement between the reinsurer and the original insured or policyholder.

[1997 c 379 § 4.]

Notes:

Purpose--Intent--1997 c 379: See note following RCW 48.12.156.

RCW 48.12.164 Credit for reinsurance--Accounting or financial statement--After December 31, 1996.

Credit for reinsurance, as either an asset or a deduction, is prohibited in an accounting or financial statement of the ceding insurer in respect to the reinsurance contract unless, in such contract, the reinsurer undertakes to indemnify the ceding insurer against all or a part of the loss or liability arising out of the original insurance. This section only applies to those reinsurance contracts entered into after December 31, 1996.

[1997 c 379 § 5.]

Notes:

Purpose--Intent--1997 c 379: See note following RCW 48.12.156.

RCW 48.12.166 Assuming alien reinsurer--Registration--Requirements--Duties of commissioner--Costs.

(1) The assuming alien reinsurer must register with the commissioner and must:

(a) File with the commissioner evidence of its submission to this state's jurisdiction and to this state's authority to examine its books and records under chapter 48.03 RCW;

(b) Designate the commissioner as its lawful attorney upon whom service of all papers may be made for an action, suit, or proceeding instituted by or on behalf of the ceding insurer;

(c) File with the commissioner a certified copy of a letter or a certificate of authority or a certificate of compliance issued by the assuming alien insurer's domiciliary jurisdiction and the domiciliary jurisdiction of its United States reinsurance trust;

(d) Submit a statement, signed and verified by an officer of the assuming alien insurer to be true and correct, that discloses whether the assuming alien insurer or an affiliated person who owns or has a controlling interest in the assuming alien insurer is currently known to be the subject of one or more of the following:

(i) An order or proceeding regarding conservation, liquidation, or receivership;

(ii) An order or proceeding regarding the revocation or suspension of a license or accreditation to transact insurance or reinsurance in any jurisdiction; or

(iii) An order or proceeding brought by an insurance regulator in any jurisdiction seeking to restrict or stop the assuming alien insurer from transacting insurance or reinsurance based upon a hazardous financial condition.

The assuming alien insurer shall provide the commissioner with copies of all orders or other documents initiating proceedings subject to disclosure under this subsection. The statement must affirm that no actions, proceedings, or orders subject to this subsection are outstanding against the assuming alien insurer or an affiliated person who owns or has a controlling interest in the assuming alien insurer, except as disclosed in the statement;

(e) File other information, financial or otherwise, which the commissioner reasonably requests.

(2) A registration continues in force until suspended, revoked, or not renewed. A registration is subject to renewal annually on the first day of July upon application of the assuming alien insurer and payment of the fee in the same amount as an insurer pays for renewal of a certificate of authority.

(3) The commissioner shall give an assuming alien insurer notice of his or her intention to revoke or refuse to renew its registration at least ten days before the order of revocation or refusal is to become effective.

(4) The commissioner shall, consistent with chapters 48.04 and 34.05 RCW, deny or revoke an assuming alien insurer's registration if the assuming alien insurer no longer qualifies or meets the requirements for registration.

(5) The commissioner may, consistent with chapters 48.04 and 34.05 RCW, deny or revoke an assuming alien insurer's registration if the assuming alien insurer:

(a) Fails to comply with a provision of this chapter or fails to comply with an order or regulation of the commissioner;

(b) Is found by the commissioner to be in such a condition that its further transaction of reinsurance would be hazardous to ceding insurers, policyholders, or the people in this state;

(c) Refuses to remove or discharge a trustee, director, or officer who has been convicted of a crime involving fraud, dishonesty, or moral turpitude;

(d) Usually compels policy-holding claimants either to accept less than the amount due them or to bring suit against the assuming alien insurer to secure full payment of the amount due;

(e) Refuses to be examined, or its trustees, directors, officers, employees, or representatives refuse to submit to examination or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform a legal obligation relative to the examination;

(f) Refuses to submit to the jurisdiction of the United States courts;

(g) Fails to pay a final judgment rendered against it:

(i) Within thirty days after the judgment became final;

(ii) Within thirty days after time for taking an appeal has expired; or

(iii) Within thirty days after dismissal of an appeal before final determination;

whichever date is later;

(h) Is found by the commissioner, after investigation or upon receipt of reliable information:

(i) To be managed by persons, whether by its trustees, directors, officers, or by other means, who are incompetent or untrustworthy or so lacking in insurance company management experience as to make proposed operation hazardous to the insurance-buying public; or

(ii) That there is good reason to believe it is affiliated directly or indirectly through ownership, control, or business relations, with a person or persons whose business operations are, or have been found to be, in violation of any law or rule, to the detriment of policyholders, stockholders, investors, creditors, or of the public, by bad faith or by manipulation of the assets, accounts, or reinsurance;

(i) Does business through reinsurance intermediaries or other representatives in this state or in any other state, who are not properly licensed under applicable laws and rules; or

(j) Fails to pay, by the date due, any amounts required by this code.

(6) A domestic ceding insurer is not allowed credit with respect to reinsurance ceded, if the assuming alien insurer's registration has been revoked by the commissioner.

(7) The actual costs and expenses incurred by the commissioner for an examination of a registered alien insurer must be charged to and collected from the alien reinsurer.

(8) A registered alien reinsurer is included as a "class one" organization for the purposes of RCW 48.02.190.

[1997 c 379 § 7.]

Notes:

Purpose--Intent--1997 c 379: See note following RCW 48.12.156.

RCW 48.12.168 Credit for reinsurance--Foreign ceding insurer.

(1) Unless credit for reinsurance or deduction from liability is prohibited under RCW 48.12.164, a foreign ceding insurer is allowed credit for reinsurance or deduction from liability to the extent credit has been allowed by the ceding insurer's state of domicile if:

(a) The state of domicile is accredited by the national association of insurance commissioners; or

(b) Credit or deduction from liability would be allowed under chapter 379, Laws of 1997 if the foreign ceding insurer were domiciled in this state.

(2) Notwithstanding subsection (1) of this section, credit for reinsurance or deduction from liability may be disallowed upon a finding by the commissioner that either the condition of the reinsurer, or the collateral or other security provided by the reinsurer, does not satisfy the credit for reinsurance requirements applicable to ceding insurers domiciled in this state.

[1997 c 379 § 8.]

Notes:

Purpose--Intent--1997 c 379: See note following RCW 48.12.156.

RCW 48.12.170 Valuation of bonds.

(1) All bonds or other evidences of debt having a fixed term and rate held by any insurer

may, if amply secured and not in default as to principal or interest, be valued as follows:

(a) If purchased at par, at the par value.

(b) If purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at the earliest date callable at par or maturing at par and so as to yield in the meantime the effective rate of interest at which the purchase was made; or in lieu of such method, according to such accepted method of valuation as is approved by the commissioner.

(c) Purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase.

(d) Unless otherwise provided by a valuation established or approved by the National Association of Insurance Commissioners, no such security shall be carried at above call price for the entire issue during any period within which the security may be so called.

(2) Such securities not amply secured or in default as to principal or interest shall be carried at market value.

(3) The commissioner shall have full discretion in determining the method of calculating values according to the rules set forth in this section, and not inconsistent with any such methods then currently formulated or approved by the National Association of Insurance Commissioners.

[1947 c 79 § .12.17; Rem. Supp. 1947 § 45.12.17.]

RCW 48.12.180 Valuation of stocks.

(1) Securities, other than those referred to in RCW 48.12.170, held by an insurer shall be valued, in the discretion of the commissioner, at their market value, or at their appraised value, or at prices determined by him or her as representing their fair market value.

(2) Preferred or guaranteed stocks or shares while paying full dividends may be carried at a fixed value in lieu of market value, at the discretion of the commissioner and in accordance with such method of computation as he or she may approve.

(3) The stock of a subsidiary of an insurer shall be valued on the basis of the greater of (a) the value of only such of the assets of such subsidiary as would constitute lawful investments for the insurer if acquired or held directly by the insurer or (b) such other value determined pursuant to rules and cumulative limitations which shall be promulgated by the commissioner to effectuate the purposes of this chapter.

(4) The commissioner has full discretion in determining the method of calculating values according to the rules set forth in this section, and consistent with such methods as then adopted by the National Association of Insurance Commissioners.

[1993 c 462 § 54; 1973 c 151 § 1; 1947 c 79 § .12.18; Rem. Supp. 1947 § 45.12.18.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.12.190 Valuation of property.

(1) Real property acquired pursuant to a mortgage loan or a contract for a deed, in the

absence of a recent appraisal deemed by the commissioner to be reliable, shall not be valued at an amount greater than the unpaid principal of the defaulted loan or contract at the date of such acquisition, together with any taxes and expenses paid or incurred in connection with such acquisition, and the cost of improvements thereafter made by the insurer and any amounts thereafter paid by the insurer on assessments levied for improvements in connection with the property.

(2) Other real property held by an insurer shall not be valued at any amount in excess of fair value, less reasonable depreciation based on the estimated life of the improvements.

(3) Personal property acquired pursuant to chattel mortgages made under RCW 48.13.150 shall not be valued at an amount greater than the unpaid balance of principal on the defaulted loan at date of acquisition together with taxes and expenses incurred in connection with such acquisition, or the fair value of such property, whichever amount is the lesser.

(4) The commissioner has full discretion in determining the method of calculating values according to the rules set forth in this section, and consistent with such methods as then adopted by the National Association of Insurance Commissioners.

[1993 c 462 § 55; 1967 ex.s. c 95 § 10; 1947 c 79 § .12.19; Rem. Supp. 1947 § 45.12.19.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.12.200 Valuation of purchase money mortgages.

(1) Purchase money mortgages shall be valued in an amount not exceeding the acquisition cost of the real property covered thereby or ninety percent of the fair value of such real property, whichever is less.

(2) The commissioner has full discretion in determining the method of calculating values according to the rules set forth in this section, and consistent with such methods as then adopted by the National Association of Insurance Commissioners.

[1993 c 462 § 56; 1947 c 79 § .12.20; Rem. Supp. 1947 § 45.12.20.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

**Chapter 48.13 RCW
INVESTMENTS**

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NOTES:

Valuation of investments: RCW 48.12.170 through 48.12.200.

RCW 48.13.010 Scope of chapter--Eligible investments.

(1) Investments of domestic insurers shall be eligible to be held as assets only as prescribed in this chapter.

(2) Any particular investment of a domestic insurer held by it on the effective date of this

code and which was a legal investment immediately prior thereto, shall be deemed a legal investment hereunder.

(3) The eligibility of an investment shall be determined as of the date of its making or acquisition.

(4) Except as to RCW 48.13.360, this chapter applies only to domestic insurers.

[1973 c 151 § 2; 1947 c 79 § .13.01; Rem. Supp. 1947 § 45.13.01.]

RCW 48.13.020 General qualifications.

(1) No security or other investment shall be eligible for purchase or acquisition under this chapter unless it is interest bearing or interest accruing or dividend or income paying, is not then in default in any respect, and the insurer is entitled to receive for its exclusive account and benefit, the interest or income accruing thereon; except,

(a) that an insurer may acquire real property as provided in RCW 48.13.160, and

(b) that this section shall not prevent participation by an insurer in a mortgage loan if the insurer, either individually or jointly with other lenders, holds a senior participation in such mortgage or deed of trust giving it substantially the rights of a first mortgagee as to its interest in that loan.

(2) No security shall be eligible for purchase at a price above its market value except voting stock of a corporation being acquired as a subsidiary.

(3) No provision of this chapter shall prohibit the acquisition by an insurer of other or additional securities or property if received as a dividend or as a lawful distribution of assets, or if acquired pursuant to a lawful and bona fide agreement of bulk reinsurance or consolidation. Any investments so acquired through bulk reinsurance or consolidation, which are not otherwise eligible under this chapter, shall be disposed of pursuant to RCW 48.13.290 if personal property or securities, or pursuant to RCW 48.13.170 if real property.

[1983 1st ex.s. c 32 § 2; 1982 c 218 § 2; 1967 ex.s. c 95 § 11; 1947 c 79 § .13.02; Rem. Supp. 1947 § 45.13.02.]

Notes:

Severability--1982 c 218: See note following RCW 48.12.020.

RCW 48.13.030 Limitation on securities of one entity or a depository institution.

(1) Except as set forth in RCW 48.13.273, an insurer shall not, except with the consent of the commissioner, have at any time any combination of investments in or loans upon the security of the obligations, property, and securities of any one person, institution, or municipal corporation aggregating an amount exceeding four percent of the insurer's assets. This section shall not apply to investments in, or loans upon the security of general obligations of the government of the United States or of any state of the United States, nor to investments in foreign securities pursuant to RCW 48.13.180(1), nor include policy loans made pursuant to RCW 48.13.190.

(2) An insurer shall not, except with the consent of the commissioner, have at any time

investments in the voting securities of a depository institution or any company which controls a depository institution aggregating an amount exceeding five percent of the insurer's admitted assets.

[2001 c 21 § 1; 1993 c 92 § 1; 1947 c 79 § .13.03; Rem. Supp. 1947 § 45.13.03.]

RCW 48.13.040 Public obligations.

An insurer may invest any of its funds in bonds or other evidences of debt, not in default as to principal or interest, which are valid and legally authorized obligations issued, assumed or guaranteed by the United States or by any state thereof or by any territory or possession of the United States or by the District of Columbia or by any county, city, town, village, municipality or district therein or by any political subdivision thereof or by any civil division or public instrumentality of one or more of the foregoing, if, by statutory or other legal requirements applicable thereto, such obligations are payable, as to both principal and interest, (1) from taxes levied or required to be levied upon all taxable property or all taxable income within the jurisdiction of such governmental unit or, (2) from adequate special revenues pledged or otherwise appropriated or by law required to be provided for the purpose of such payment, but not including any obligation payable solely out of special assessments on properties benefited by local improvements unless adequate security is evidenced by the ratio of assessment to the value of the property or the obligation is additionally secured by an adequate guaranty fund required by law.

[1947 c 79 § .13.04; Rem. Supp. 1947 § 45.13.04.]

RCW 48.13.050 Corporate obligations.

Except as set forth in RCW 48.13.273, an insurer may invest any of its funds in obligations other than those eligible for investment under RCW 48.13.110 if they are issued, assumed, or guaranteed by any solvent institution created or existing under the laws of the United States or of any state, district or territory thereof, and are qualified under any of the following:

(1) Obligations which are secured by adequate collateral security and bear fixed interest if during each of any three, including the last two, of the five fiscal years next preceding the date of acquisition by the insurer, the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges, as defined in RCW 48.13.060, have been not less than one and one-fourth times the total of its fixed charges for such year. In determining the adequacy of collateral security, not more than one-third of the total value of such required collateral shall consist of stock other than stock meeting the requirements of RCW 48.13.080.

(2) Fixed interest bearing obligations, other than those described in subdivision (1) of this section, if the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of five fiscal years next preceding the date of acquisition by the insurer have averaged per year not less than one and one-half times its average annual fixed charges applicable to such period and if during the last year of such period such net earnings

have been not less than one and one-half times its fixed charges for such year.

(3) Adjustment, income or other contingent interest obligations if the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of five fiscal years next preceding the date of acquisition by the insurer have averaged per year not less than one and one-half times the sum of its average annual fixed charges and its average annual maximum contingent interest applicable to such period and if during each of the last two years of such period such net earnings have been not less than one and one-half times the sum of its fixed charges and maximum contingent interest for such year.

[1993 c 92 § 2; 1947 c 79 § .13.05; Rem. Supp. 1947 § 45.13.05.]

RCW 48.13.060 Terms defined.

(1) Certain terms used are defined for the purposes of this chapter as follows:

(a) "Obligation" includes bonds, debentures, notes or other evidences of indebtedness.

(b) "Net earnings available for fixed charges" means net income after deducting operating and maintenance expenses, taxes other than federal and state income taxes, depreciation and depletion, but excluding extraordinary nonrecurring items of income or expense appearing in the regular financial statements of such institution.

(c) "Fixed charges" includes interest on funded and unfunded debt, amortization of debt discount, and rentals for leased properties.

(d) "Admitted assets" means the amount as of the last day of the most recently concluded annual statement year, computed in the same manner as "assets" in RCW 48.12.010.

(e) "Aggregate amount" of medium grade and lower grade obligations means the aggregate statutory statement value of those obligations thereof.

(f) "Institution" means a corporation, a joint stock company, an association, a trust, a business partnership, a business joint venture, or similar entity.

(2) If net earnings are determined in reliance upon consolidated earnings statements of parent and subsidiary institutions, such net earnings shall be determined after provision for income taxes of subsidiaries and after proper allowance for minority stock interest, if any; and the required coverage of fixed charges shall be computed on a basis including fixed charges and preferred dividends of subsidiaries other than those payable by such subsidiaries to the parent corporation or to any other of such subsidiaries, except that if the minority common stock interest in the subsidiary corporation is substantial, the fixed charges and preferred dividends may be apportioned in accordance with regulations prescribed by the commissioner.

[1993 c 92 § 3; 1947 c 79 § .13.06; Rem. Supp. 1947 § 45.13.06.]

RCW 48.13.070 Securities of merged or reorganized institutions.

In applying the earnings test set forth in RCW 48.13.060 to any such institution, whether or not in legal existence during the whole of such five years next preceding the date of investment by the insurer, which has at any time during the five-year period acquired substantially all of the assets of any other institution or institutions by purchase, merger,

consolidation or otherwise, or has been reorganized pursuant to the bankruptcy law, the earnings of the predecessor or constituent institutions, or of the institution so reorganized, available for interest and dividends for such portion of the five-year period as may have preceded such acquisition, or such reorganization, may be included in the earnings of such issuing, assuming or guaranteeing institution for such portion of such period as may be determined in accordance with adjusted or pro forma consolidated earnings statements covering such portion of such period and giving effect to all stock or shares outstanding, and all fixed charges existing, immediately after such acquisition, or such reorganization.

[1947 c 79 § .13.07; Rem. Supp. 1947 § 45.13.07.]

RCW 48.13.080 Preferred or guaranteed stocks.

(1) An insurer may invest any of its funds, in an aggregate amount not exceeding ten percent of its assets, if a life insurer, or not exceeding fifteen percent of such assets if other than a life insurer, in preferred or guaranteed stocks or shares, other than common stocks, of solvent institutions existing under the laws of the United States or of any state, district or territory thereof, if all of the prior obligations and prior preferred stocks, if any, of such institution at the date of acquisition by the insurer are eligible as investments under this chapter; and if qualified under either of the following:

(a) Preferred stocks or shares shall be deemed qualified if both these requirements are met:

(i) The net earnings of the institution available for its fixed charges for a period of five fiscal years next preceding the date of acquisition by the insurer must have averaged per year not less than one and one-half times the sum of its average annual fixed charges, if any, its average annual maximum contingent interest, if any, and its average annual preferred dividend requirements applicable to such period; and

(ii) during each of the last two years of such period such net earnings must have been not less than one and one-half times the sum of its fixed charges, contingent interest and preferred dividend requirements for such year. The term "preferred dividend requirements" shall be deemed to mean cumulative or noncumulative dividends whether paid or not.

(b) Guaranteed stocks or shares shall be deemed qualified if the assuming or guaranteeing institution meets the requirements of subdivision (1) of RCW 48.13.050, construed so as to include as a fixed charge the amount of guaranteed dividends of such issue or the rental covering the guarantee of such dividends.

(2) An insurer shall not invest in or loan upon any preferred stock having voting rights, of any one institution, in excess of such proportion of the total issued and outstanding preferred stock of such institution having voting rights, as would, when added to any common shares of such institution, directly or indirectly held by it, exceed fifteen percent of all outstanding shares of such institution having voting rights, nor an amount in excess of the limit provided by RCW 48.13.030. This limitation shall not apply to such shares of a corporation which is the subsidiary of an insurer, and which corporation is engaged exclusively in a kind of business properly incidental to the insurance business of the insurer.

[1947 c 79 § .13.08; Rem. Supp. 1947 § 45.13.08.]

RCW 48.13.090 Trustees' or receivers' obligations.

An insurer may invest any of its funds, in an aggregate amount not exceeding two percent of its assets, in certificates, notes, or other obligations issued by trustees or receivers of institutions existing under the laws of the United States or of any state, district or territory thereof, which, or the assets of which, are being administered under the direction of any court having jurisdiction, if such obligation is adequately secured as to principal and interest.

[1947 c 79 § .13.09; Rem. Supp. 1947 § 45.13.09.]

RCW 48.13.100 Equipment trust certificates.

An insurer may invest any of its funds, in an aggregate amount not exceeding ten percent of its assets, in equipment trust obligations or certificates which are adequately secured, or in other adequately secured instruments evidencing an interest in transportation equipment wholly or in part within the United States and the right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such transportation equipment.

[1947 c 79 § .13.10; Rem. Supp. 1947 § 45.13.10.]

RCW 48.13.110 Mortgages, deeds of trust, mortgage bonds, notes, contracts.

An insurer may invest any of its funds in:

(1)(a) Bonds or evidences of debt which are secured by first mortgages or deeds of trust on improved unencumbered real property located in the United States;

(b) Chattel mortgages in connection therewith pursuant to RCW 48.13.150;

(c) The equity of the seller of any such property in the contract for a deed, covering the entire balance due on a bona fide sale of such property, in amount not to exceed ten thousand dollars or the amount permissible under RCW 48.13.030, whichever is greater, in any one such contract for deed.

(2) Purchase money mortgages or like securities received by it upon the sale or exchange of real property acquired pursuant to RCW 48.13.160 as amended in *section 7 of this 1969 amendatory act.

(3) Bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration under the terms of an act of congress of the United States of June 27, 1934, entitled the "National Housing Act," as amended.

(4) Bonds or notes secured by mortgage or trust deed guaranteed or insured as to principal in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of an act of congress of the United States of June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as amended.

(5) Evidences of debt secured by first mortgages or deeds of trust upon leasehold estates, except agricultural leaseholds executed pursuant to RCW 79.01.096, running for a term of not less than fifteen years beyond the maturity of the loan as made or as extended, in improved real property, otherwise unencumbered, and if the mortgagee is entitled to be subrogated to all the rights under the leasehold.

(6) Evidences of debt secured by first mortgages or deeds of trust upon agricultural leasehold estates executed pursuant to RCW 79.01.096, otherwise unencumbered, and if the mortgagee is entitled to be subrogated to all the rights under the leasehold.

[1975 1st ex.s. c 154 § 1; 1969 ex.s. c 241 § 4; 1947 c 79 § .13.11; Rem. Supp. 1947 § 45.13.11.]

Notes:

***Reviser's note:** The reference to "section 7 of this 1969 amendatory act" is to section 7, chapter 241, Laws of 1969 ex. sess., which amended RCW 48.13.160.

RCW 48.13.120 Investments limited by property value.

(1) An investment made pursuant to the provisions of RCW 48.13.110 shall not exceed seventy-five percent of the fair value of the particular property at the time of investment. However, if the loan is secured by a first mortgage or other first lien upon real property improved with a single-family residential building, the terms of such loan provide for monthly payments of principal and interest sufficient to effect full repayment of the loan within the remaining useful life of the building as estimated in the appraisal for the loan, or thirty years and two months, whichever is less, the principal so loaned or the entire note or bond issue so secured, plus the amount of the liens of any public bond, assessment, or tax assessed upon the property, may not exceed eighty percent of the market value of the real property, or of the real property together with the improvements which are taken as security. This restriction shall not apply to purchase money mortgages or like securities received by an insurer upon the sale or exchange of real property acquired pursuant to RCW 48.13.160.

(2) The extent to which a mortgage loan made under RCW 48.13.110 (3) or (4) is guaranteed or insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans' Affairs may be deducted before application of the limitations contained in subsection (1) of this section.

[1993 c 92 § 7; 1969 ex.s. c 241 § 5; 1967 c 150 § 11; 1955 c 303 § 1; 1949 c 190 § 16; 1947 c 79 § .13.12; Rem. Supp. 1949 § 45.13.12.]

RCW 48.13.125 Mortgage loans on one family dwellings--Limitation on amortization.

Loans on one family dwellings secured by mortgages or deeds of trust or investments therein shall be amortized within not more than thirty years and two months by payments of installments thereon at regular intervals not less frequent than every three months; except those guaranteed or insured in whole or in part by the Federal Housing Administration, the Administrator of Veterans' Affairs or the Farmers Home Administration.

[1969 ex.s. c 241 § 6; 1967 c 150 § 10.]

RCW 48.13.130 "Encumbrance" defined.

(1) Real property shall not be deemed to be encumbered within the meaning of RCW 48.13.110 by reason of the existence of:

(a) Instruments reserving mineral, oil, timber or similar rights, rights of way, sewer rights, or rights in walls;

(b) Liens for taxes or assessments not delinquent, or liens not delinquent for community recreational facilities, or for the maintenance of community facilities, or for service and maintenance of water rights;

(c) Building restrictions or other restrictive covenants;

(d) Encroachments, if such encroachments are taken into consideration in determining the fair value of the property;

(e) A lease under which rents or profits are reserved to the owner if in any event the security for the loan or investment is a first lien upon the real property; or

(f) With respect to loans secured by mortgage, deed of trust, or other collateral guaranteed or insured in full or in part by the government of the United States, such encumbrances as are allowed as exceptions in title by the administrator or administration of the division of such government so guaranteeing or insuring.

(2) If under any of the exceptions set forth in subsection (1) of this section there is any sum owing but not due or delinquent, the total amount of such sum shall be deducted from the amount which otherwise might be loaned on the property. The value of any mineral, oil, timber or similar right reserved shall not be included in the fair value of the property.

[1955 c 303 § 2; 1947 c 79 § .13.13; Rem. Supp. 1947 § 45.13.13.]

RCW 48.13.140 Appraisal of property--Insurance--Limit of loan.

(1) The fair value of property shall be determined by appraisal by a competent appraiser at the time of the acquisition of real property or of the making or acquiring of a mortgage loan or investing in a contract for the deed thereon; except, that as to bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration, or guaranteed or insured as to principal in full or in part by the Administrator of Veterans' Affairs, or guaranteed or insured by the Farmers Home Administration, the valuation made by such administration or administrator shall be deemed to have been made by a competent appraiser for the purposes of this subsection.

(2) Buildings and other improvements located on mortgaged premises shall be kept insured for the benefit of the mortgagee against loss or damage from fire in an amount not less than the unpaid balance of the obligation, or the insurable value of the property, whichever is the lesser.

(3) An insurer shall not make or acquire a loan or loans upon the security of any one parcel of real property in aggregate amount in excess of twenty-five thousand dollars or more than the amount permissible under RCW 48.13.030, whichever is the greater.

[1967 ex.s. c 95 § 12; 1955 c 303 § 3; 1947 c 79 § .13.14; Rem. Supp. 1947 § 45.13.14.]

RCW 48.13.150 Auxiliary chattel mortgages.

(1) In connection with a mortgage loan on the security of real property designed and used primarily for residential purposes only, acquired pursuant to RCW 48.13.110, an insurer may loan or invest an amount not exceeding twenty percent of the amount loaned on or invested in such real property mortgage, on the security of a chattel mortgage for a term of not more than five years representing a first and prior lien, except for taxes not then delinquent, on personal property constituting durable equipment owned by the mortgagor and kept and used in the mortgaged premises.

(2) The term "durable equipment" shall include only mechanical refrigerators, mechanical laundering machines, heating and cooking stoves and ranges, mechanical kitchen aids, vacuum cleaners, and fire extinguishing devices; and in addition in the case of apartment houses and hotels, room furniture and furnishings.

(3) Prior to acquisition of a chattel mortgage, items of property to be included shall be separately appraised by a competent appraiser and the fair market value thereof determined. No such chattel mortgage loan shall exceed in amount the same ratio of loan to the value of the property as is applicable to the companion loan on the real property.

[1947 c 79 § .13.15; Rem. Supp. 1947 § 45.13.15.]

RCW 48.13.160 Real property owned--Home office building.

(1) An insurer may own and invest or have invested in its home office and branch office buildings any of its funds in aggregate amount not to exceed ten percent of its assets unless approved by the commissioner, or if a mutual or reciprocal insurer not to exceed ten percent of its assets nor such amount as would reduce its surplus, exclusive of such investment, below fifty thousand dollars unless approved by the commissioner.

(2) An insurer may own real property acquired in satisfaction or on account of loans, mortgages, liens, judgments, or other debts previously owing to the insurer in the course of its business.

(3) An insurer may invest or have invested in aggregate amount not exceeding three percent of its assets in the following real property, and in the repair, alteration, furnishing, or improvement thereof:

(a) Real property requisite for its accommodation in the convenient transaction of its business if approved by the commissioner.

(b) Real property acquired by gift or devise.

(c) Real property acquired in exchange for real property owned by it. If necessary in order to consummate such an exchange, the insurer may put up cash in amount not to exceed twenty percent of the fair value of its real property to be so exchanged, in addition to such property.

(d) Real property acquired through a lawful merger or consolidation with it of another

insurer and not required for the purposes specified in subsection (1) and in paragraph (a) of subsection (2) of this section.

(e) Upon approval of the commissioner, in real property and equipment incident to real property, requisite or desirable for the protection or enhancement of the value of other real property owned by the insurer.

(4) A domestic life insurer with assets of at least twenty-five million dollars and at least ten million dollars in capital and surplus, and a domestic property and casualty insurer with assets of at least seventy-five million dollars and at least thirty million dollars in capital and surplus, or, if a mutual or reciprocal property or casualty insurer, at least thirty million dollars in surplus, may, in addition to the real property included in subsections (1), (2) and (3) of this section, own such real property other than property to be used for ranch, mining, recreational, amusement, or club purposes, as may be acquired as an investment for the production of income, or as may be acquired to be improved or developed for such investment purpose pursuant to an existing program therefor, subject to the following limitations and conditions:

(a) The cost of each parcel of real property so acquired under this subsection (4), including the estimated cost to the insurer of the improvement or development thereof, when added to the book value of all other real property under this subsection (4), together with the admitted value of all common stock, then held by it, shall not exceed twenty percent of its admitted assets or fifty percent of its surplus over the minimum required surplus, whichever is greater, as of the thirty-first day of December next preceding; and

(b) The cost of each parcel of real property so acquired, including the estimated cost to the insurer of the improvement or development thereof, shall not exceed as of the thirty-first day of December next preceding, four percent of its admitted assets.

(c) Indirect or proportionate interests in real estate held by a domestic life insurer through any subsidiary shall be included in proportion to such insurer's interest in the subsidiary in applying the limits provided in subsection (4).

[1981 c 339 § 6; 1973 c 151 § 3; 1969 ex.s. c 241 § 7; 1967 ex.s. c 95 § 13; 1949 c 190 § 17; 1947 c 79 § .13.16; Rem. Supp. 1949 § 45.13.16.]

RCW 48.13.170 Disposal of real property--Time limit.

(1) Real property acquired by an insurer pursuant to paragraph (a) of subsection (3) of RCW 48.13.160 shall be disposed of within five years after it has ceased being necessary for the use of the insurer in the transaction of its business. Real property acquired by an insurer pursuant to loans, mortgages, liens, judgments, or other debts, or pursuant to paragraphs (b), (c), (d), and (e) of subsection (3) of RCW 48.13.160 shall be disposed of within five years after date of acquisition. The time for any such disposal may be extended by the commissioner for a definite additional period or periods upon application and proof that forced sale of the property, otherwise necessary, would be against the best interests of the insurer.

(2) Any such real property held by the insurer without the commissioner's consent beyond the time permitted for its disposal shall not be carried or allowed as an asset.

[1967 ex.s. c 95 § 14; 1947 c 79 § .13.17; Rem. Supp. 1947 § 45.13.17.]

RCW 48.13.180 Foreign securities.

(1) An insurer authorized to transact insurance in a foreign country may invest any of its funds, in aggregate amount not exceeding its deposit and reserve obligations incurred in such country, in securities of or in such country possessing characteristics and of a quality similar to those required pursuant to this chapter for investments in the United States.

(2) An insurer may invest any of its funds, in an aggregate amount not exceeding five percent of its assets, in addition to any amount permitted pursuant to subsection (1) of this section, in obligations of the governments of the Dominion of Canada or of Canadian provinces or municipalities, and in obligations of Canadian corporations, which have not been in default during the five years next preceding date of acquisition, and which are otherwise of equal quality to like United States public or corporate securities as prescribed in this chapter.

[1947 c 79 § .13.18; Rem. Supp. 1947 § 45.13.18.]

RCW 48.13.190 Policy loans.

A life insurer may loan to its policyholder upon the pledge of the policy as collateral security, any sum not exceeding the legal reserve maintained on the policy.

[1947 c 79 § .13.19; Rem. Supp. 1947 § 45.13.19.]

RCW 48.13.200 Savings and share accounts.

An insurer may invest or deposit any of its funds in share or savings accounts of savings and loan associations, or in savings accounts of banks, and in any one such institution only to the extent that such an account is insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation.

[1947 c 79 § .13.20; Rem. Supp. 1947 § 45.13.20.]

RCW 48.13.210 Insurance stocks.

(1) An insurer other than a life insurer may invest a portion of its surplus funds in an aggregate amount not exceeding fifty percent of its surplus over its capital stock and other liabilities, or thirty-five percent of its capital funds, whichever is greater, in the stocks of other insurers organized and existing under the laws of states of the United States. Indirect or proportionate interests in insurance stocks held by an insurer through any intermediate subsidiary or subsidiaries shall be included in applying the limitations provided in subsections (1), (2), and (3) of this section.

(2) A life insurer may invest in such insurance stocks in an aggregate amount not exceeding the smaller of the following amounts: Five percent of its assets; or twenty-five

percent of its surplus over its capital stock and other liabilities, or of surplus over its required minimum surplus if a mutual life insurer.

(3) An insurer shall not purchase or hold as an investment more than five percent of the voting stock of any one other insurer, and subject further to the investment limits of RCW 48.13.030. This limitation shall not apply if such other insurer is the subsidiary of, and substantially all its shares having voting powers are owned by, the insurer.

(4) No such insurance stock shall be eligible as an investment unless it meets the qualifications for stocks of other corporations as set forth in RCW 48.13.220.

(5) The limitations on investment in insurance stocks set forth in this chapter shall not apply to stocks acquired under a plan for merger of the insurers which has been approved by the commissioner or to shares received as stock dividends upon shares already owned.

[1979 ex.s. c 199 § 3; 1979 ex.s. c 130 § 4; 1947 c 79 § .13.21; Rem. Supp. 1947 § 45.13.21.]

RCW 48.13.218 Limitation on insurer loans or investments.

(1) Notwithstanding RCW 48.13.220 and 48.13.240, an insurer may not loan or invest its funds in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries in an aggregate amount exceeding the lesser of the following sums: Ten percent of its assets, or fifty percent of its surplus as regards policyholders. In calculating the amount of investments under this section, investments in domestic or foreign subsidiary insurers, health care service contractors, and health maintenance organizations are excluded.

(2) For the purposes of this section, "subsidiary" has the same meaning as in RCW 48.31B.005.

[2001 c 90 § 1.]

RCW 48.13.220 Common stocks--Investment--Acquisition--Engaging in certain businesses.

(1) After satisfying the requirements of RCW 48.13.260, an insurer may invest any of its funds in common shares of stock in solvent United States corporations that qualify as a sound investment; except, that as to life insurers such investments shall further not aggregate an amount in excess of fifty percent of the insurer's surplus over its minimum required surplus.

(2) The insurer shall not invest in or loan upon the security of more than ten percent of the outstanding common shares of any one such corporation, subject further to the aggregate investment limitation of RCW 48.13.030.

(3) The limitations of subsection (2) of this section shall not apply to investment in the securities of any subsidiary corporations of the insurer which are engaged or organized to engage exclusively in one or more of the following businesses:

(a) Acting as an insurance agent for its parent or for any of its parent's insurer subsidiaries or affiliates;

(b) Investing, reinvesting, or trading in securities or acting as a securities broker or dealer for its own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary;

(c) Rendering management, sales, or other related services to any investment company subject to the Federal Investment Company Act of 1940, as amended;

(d) Rendering investment advice;

(e) Rendering services related to the functions involved in the operation of an insurance business including, but not limited to, actuarial, loss prevention, safety engineering, data processing, accounting, claims appraisal, and collection services;

(f) Acting as administrator of employee welfare benefit and pension plans for governments, government agencies, corporations, or other organizations or groups;

(g) Ownership and management of assets which the parent could itself own and manage: PROVIDED, That the aggregate investment by the insurer and its subsidiaries acquired pursuant to this paragraph shall not exceed the limitations otherwise applicable to such investments by the parent;

(h) Acting as administrative agent for a government instrumentality which is performing an insurance function or is responsible for a health or welfare program;

(i) Financing of insurance premiums;

(j) Any other business activity reasonably ancillary to an insurance business;

(k) Owning one or more subsidiary (i) insurers to the extent permitted by this chapter, or (ii) businesses specified in paragraphs (a) through (k) of this subsection inclusive, or (iii) other businesses the stock of which is eligible under RCW 48.13.240 or 48.13.250, or any combination of such insurers and businesses.

(4) No acquisition of a majority of the total outstanding common shares of any corporation shall be made pursuant to this section unless a notice of intention of such proposed acquisition shall have been filed with the commissioner not less than ninety days, or such shorter period as may be permitted by the commissioner, in advance of such proposed acquisition, nor shall any such acquisition be made if the commissioner at any time prior to the expiration of the notice period finds that the proposed acquisition is contrary to law, or determines that such proposed acquisition would be contrary to the best interests of the parent insurer's policyholders or of the people of this state. The following shall be the only factors to be considered in making the foregoing determination:

(a) The availability of the funds or assets required for such acquisition;

(b) The fairness of any exchange of stock, assets, cash, or other consideration for the stock or assets to be received;

(c) The impact of the new operation on the parent insurer's surplus and existing insurance business and the risks inherent in the parent insurer's investment portfolio and operations;

(d) The fairness and adequacy of the financing proposed for the subsidiary;

(e) The likelihood of undue concentration of economic power;

(f) Whether the effect of the acquisition may be substantially to lessen competition in any line of commerce in insurance or to tend to create a monopoly therein; and

(g) Whether the acquisition might result in an excessive proliferation of subsidiaries which would tend to unduly dilute management effectiveness or weaken financial strength or otherwise be contrary to the best interests of the parent insurer's policyholders or of the people of this state. At any time after an acquisition, the commissioner may order its disposition if he

finds, after notice and hearing, that its continued retention is hazardous or prejudicial to the interests of the parent insurer's policyholders. The contents of each notice of intention of a proposed acquisition filed hereunder and information pertaining thereto shall be kept confidential, shall not be subject to subpoena, and shall not be made public unless after notice and hearing the commissioner determines that the interests of policyholders, stockholders, or the public will be served by the publication thereof.

(5) A domestic insurance company may, provided that it maintains books and records which separately account for such business, engage directly in any business referred to in paragraphs (d), (e), (h), and (j) of subsection (3) of this section either to the extent necessarily or properly incidental to the insurance business the insurer is authorized to do in this state or to the extent approved by the commissioner and subject to any limitations he may prescribe for the protection of the interests of the policyholders of the insurer after taking into account the effect of such business on the insurer's existing insurance business and its surplus, the proposed allocation of the estimated cost of such business, and the risks inherent in such business as well as the relative advantages to the insurer and its policyholders of conducting such business directly instead of through a subsidiary.

[1982 c 218 § 3; 1973 c 151 § 4; 1949 c 190 § 18; 1947 c 79 § .13.22; Rem. Supp. 1949 § 45.13.22.]

Notes:

Severability--1982 c 218: See note following RCW 48.12.020.

RCW 48.13.230 Collateral loans.

An insurer may loan its funds upon the pledge of securities or evidences of debt eligible for investment under this chapter. As at date made, no such loan shall exceed in amount ninety percent of the market value of such collateral pledged, except that loans upon pledges of United States government bonds may be equal to the market value of the bonds pledged. The amount so loaned shall be included in the maximum percentage of funds permitted to be invested in the kinds of securities or evidences of debt pledged or permitted by RCW 48.13.030.

[1947 c 79 § .13.23; Rem. Supp. 1947 § 45.13.23.]

RCW 48.13.240 Miscellaneous investments.

(1) An insurer may loan or invest its funds in an aggregate amount not exceeding the lesser of the following sums: Ten percent of its assets, or fifty percent of its surplus over its capital and other liabilities, or if a mutual or reciprocal insurer fifty percent of its surplus over minimum required surplus, in loans or investments not otherwise eligible for investment and not specifically prohibited by RCW 48.13.270.

(2) No such loan or investment shall be any item described in RCW 48.12.020.

(3) No such investment in or loan upon the security of any one person or entity shall exceed the amount specified in subsection (1) of this section or one percent of the insurer's assets, whichever is the lesser, except that this subsection (3) shall not apply to an investment in

the stock of a subsidiary company.

(4) The insurer shall keep a separate record of all investments acquired under this section.

[1982 c 218 § 4; 1947 c 79 § .13.24; Rem. Supp. 1947 § 45.13.24.]

Notes:

Severability--1982 c 218: See note following RCW 48.12.020.

RCW 48.13.250 Special consent investments.

Upon advance approval of the commissioner and in compliance with RCW 48.13.020, an insurer may make any investment or kind of investment or exchange of assets otherwise prohibited or not eligible under any other section of this chapter. The commissioner's order of approval if granted shall specify whether the investment or any part thereof may be credited to required minimum capital or surplus investments, or to investment of reserves.

[1947 c 79 § .13.25; Rem. Supp. 1947 § 45.13.25.]

RCW 48.13.260 Required investments for capital and reserves.

(1) An insurer shall invest and keep invested its funds aggregating in amount, if a stock insurer, not less than one hundred percent of its minimum required capital, or if a mutual or reciprocal insurer, not less than one hundred percent of its required minimum surplus, in cash or investments eligible in accordance with RCW 48.13.040 (public obligations), and in mortgage loans on real property located within this state, pursuant to RCW 48.13.110.

(2) In addition to the investments required by subsection (1) of this section, an insurer shall invest and keep invested its funds aggregating not less than one hundred percent of its reserves required by this code in cash or premiums in course of collection or in investments eligible in accordance with the following sections: RCW 48.13.040 (public obligations), 48.13.050 (corporate obligations), 48.13.080 (preferred or guaranteed stocks), 48.13.090 (trustees' or receivers' obligations), 48.13.100 (equipment trust certificates), 48.13.110 (mortgages, loans and contracts), 48.13.150 (auxiliary chattel mortgages), 48.13.160 (real property, home office building, etc.), 48.13.180 (foreign securities), 48.13.190 (policy loans), 48.13.200 (savings and share accounts), 48.13.220 (common stocks), 48.13.230 (collateral loans), 48.13.250 (special consent investments).

(3) This section shall not apply to title insurers nor to mutual insurers on the assessment premium plan.

[1971 ex.s. c 13 § 16; 1947 c 79 § .13.26; Rem. Supp. 1947 § 45.13.26.]

RCW 48.13.265 Investments secured by real estate--Amount restricted.

An insurer shall not invest or have invested at any one time more than sixty-five percent of its assets in investments in real estate, real estate contracts, and notes, bonds and other evidences of debt secured by mortgage on real estate, as described in RCW 48.13.110 and

48.13.160. Any insurer which, on June 13, 1957, has in excess of sixty-five percent of its assets so invested shall not make any further such investments while such excess exists.

[1957 c 193 § 8.]

RCW 48.13.270 Prohibited investments.

An insurer shall not, except with the commissioner's approval in advance, invest in or loan its funds upon the security of, or hold:

(1) Issued shares of its own capital stock, except for the purpose of mutualization in accordance with RCW 48.08.080;

(2) Securities issued by any corporation if a majority of its stock having voting power is owned directly or indirectly by or for the benefit of any one or more of the insurer's officers and directors;

(3) Any investment or loan ineligible under the provisions of RCW 48.13.030;

(4) Securities issued by any insolvent corporation;

(5) Obligations contrary to the provisions of RCW 48.13.273; or

(6) Any investment or security which is found by the commissioner to be designed to evade any prohibition of this code.

[1995 c 84 § 1; 1993 c 92 § 4; 1982 c 218 § 5; 1947 c 79 § .13.27; Rem. Supp. 1947 § 45.13.27.]

Notes:

Severability--1982 c 218: See note following RCW 48.12.020.

RCW 48.13.273 Acquisition of medium and lower grade obligations--Definitions--Limitations--Rules.

(1) As used in this section:

(a) "Lower grade obligations" means obligations that are rated four, five, or six by the securities valuation office.

(b) "Medium grade obligations" means obligations that are rated three by the securities valuation office.

(c) "Securities valuation office" means the entity created by the national association of insurance commissioners in part, to assign rating categories for bond obligations acquired by insurers.

(2) No insurer may acquire directly or indirectly, any medium grade or lower grade obligation if, after giving effect to the acquisition, the aggregate amount of all medium grade and lower grade obligations then held by the insurer would exceed twenty percent of its admitted assets provided that:

(a) No more than ten percent of an insurer's admitted assets may be invested in lower grade obligations;

(b) No more than three percent of an insurer's admitted assets may be invested in lower grade obligations rated five or six by the securities valuation office;

(c) No more than one percent of an insurer's admitted assets may be invested in lower grade obligations rated six by the securities valuation office;

(d) No more than one percent of an insurer's admitted assets may be invested in medium and lower grade obligations issued, guaranteed, or insured by any one institution; and

(e) No more than one-half of one percent of an insurer's admitted assets may be invested in lower grade obligations issued, guaranteed, or insured by any one institution.

(3) This section does not require an insurer to sell or otherwise dispose of any obligation lawfully acquired before July 25, 1993, or in accordance with this chapter. The commissioner shall adopt rules identifying the circumstances under which the commissioner may approve an investment in obligations exceeding the limitations of this section as necessary to mitigate financial loss by an insurer.

(4) The board of directors of any domestic insurance company which acquires or invests, directly or indirectly, more than two percent of its admitted assets in medium grade and lower grade obligations of any institution, shall adopt a written plan for making those investments. The plan, in addition to guidelines with respect to the quality of the issues invested in, shall contain diversification standards including, but not limited to, standards for issuer, industry, duration, liquidity, and geographic location.

[1993 c 92 § 5.]

RCW 48.13.275 Obligations rated by the securities valuation office.

Notwithstanding the provisions of RCW 48.13.050, an insurer may invest its funds in obligations rated by the securities valuation office. Investments in obligations that are rated one or two by the securities valuation office shall be subject to the limitations contained in RCW 48.13.030.

[1993 c 92 § 6.]

RCW 48.13.280 Securities underwriting, agreements to withhold or repurchase, prohibited.

No insurer shall

(1) participate in the underwriting of the marketing of securities in advance of their issuance or enter into any transaction for such underwriting for the account of such insurer jointly with any other person; or

(2) enter into any agreement to withhold from sale any of its property, or to repurchase any property sold by it.

[1947 c 79 § .13.28; Rem. Supp. 1947 § 45.13.28.]

RCW 48.13.285 Derivative transactions--Restrictions--Definitions--Rules.

(1) An insurer may, directly or indirectly through an investment subsidiary, engage in

derivative transactions under this section under the following conditions:

(a) An insurer may use derivative instruments under this section to engage in hedging transactions and certain income generation transactions, as these terms may be further defined by rule by the insurance commissioner;

(b) Derivative instruments shall not be used for speculative purposes, but only as stated in (a) of this subsection;

(c) An insurer shall be able to demonstrate to the insurance commissioner the intended hedging characteristics and the ongoing effectiveness of the derivative transaction or combination of transactions through cash flow testing or other appropriate analysis;

(d) An insurer may enter into hedging transactions under this section if, as a result of and after giving effect to the transaction:

(i) The aggregate statement value of options, caps, floors, and warrants not attached to another financial instrument purchased and used in hedging transactions does not exceed seven and one-half percent of its admitted assets;

(ii) The aggregate statement value of options, caps, and floors written in hedging transactions does not exceed three percent of its admitted assets; and

(iii) The aggregate potential exposure of collars, swaps, forwards, and futures used in hedging transactions does not exceed six and one-half percent of its admitted assets;

(e) An insurer may only enter into the following types of income generation transactions if, as a result of and after giving effect to the transactions, the aggregate statement value of the fixed income assets that are subject to call or that generate the cash flows for payments under the caps or floors, plus the face value of fixed income securities underlying a derivative instrument subject to call, plus the amount of the purchase obligations under the puts, does not exceed ten percent of its admitted assets:

(i) Sales of covered call options on noncallable fixed income securities, callable fixed income securities if the option expires by its terms prior to the end of the noncallable period, or derivative instruments based on fixed income securities;

(ii) Sales of covered call options on equity securities, if the insurer holds in its portfolio, or can immediately acquire through the exercise of options, warrants, or conversion rights already owned, the equity securities subject to call during the complete term of the call option sold;

(iii) Sales of covered puts on investments that the insurer is permitted to acquire under this chapter, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the amount of its purchase obligations under the put during the complete term of the put option sold; or

(iv) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the caps or floors during the complete term that the cap or floor is outstanding;

(f) An insurer shall include all counterparty exposure amounts in determining compliance with general diversification requirements and medium and low grade investment limitations under this chapter; and

(g) Pursuant to rules adopted by the insurance commissioner under subsection (3) of this

section, the commissioner may approve additional transactions involving the use of derivative instruments in excess of the limitations in (d) of this subsection or for other risk management purposes under rules adopted by the commissioner, but replication transactions shall not be permitted for other than risk management purposes.

(2) For purposes of this section:

(a) "Cap" means an agreement obligating the seller to make payments to the buyer, with each payment based on the amount by which a reference price or level or the performance or value of one or more underlying interests exceeds a predetermined number, sometimes called the strike rate or strike price;

(b) "Collar" means an agreement to receive payments as the buyer of an option, cap, or floor and to make payments as the seller of a different option, cap, or floor;

(c) "Counterparty exposure amount" means the net amount of credit risk attributable to a derivative instrument entered into with a business entity other than through a qualified exchange, qualified foreign exchange, or cleared through a qualified clearinghouse. The amount of the credit risk equals the market value of the over-the-counter derivative instrument if the liquidation of the derivative instrument would result in a final cash payment to the insurer, or zero if the liquidation of the derivative instrument would not result in a final cash payment to the insurer.

If over-the-counter derivative instruments are entered into under a written master agreement which provides for netting of payments owed by the respective parties, and the domiciliary jurisdiction of the counterparty is either within the United States or, if not within the United States, within a foreign jurisdiction listed in the purposes and procedures of the securities valuation office as eligible for netting, the net amount of credit risk shall be the greater of zero or the sum of:

(i) The market value of the over-the-counter derivative instruments entered into under the agreement, the liquidation of which would result in a final cash payment to the insurer; and

(ii) The market value of the over-the-counter derivative instruments entered into under the agreement, the liquidation of which would result in a final cash payment by the insurer to the business entity.

For open transactions, market value shall be determined at the end of the most recent quarter of the insurer's fiscal year and shall be reduced by the market value of acceptable collateral held by the insurer or placed in escrow by one or both parties;

(d) "Covered" means that an insurer owns or can immediately acquire, through the exercise of options, warrants or conversion rights already owned, the underlying interest in order to fulfill or secure its obligations under a call option, cap or floor it has written, or has set aside under a custodial or escrow agreement cash or cash equivalents with a market value equal to the amount required to fulfill its obligations under a put option it has written, in an income generation transaction;

(e) "Derivative instrument" means an agreement, option, instrument, or a series or combination thereof:

(i) To make or take delivery of, or assume or relinquish, a specified amount of one or more underlying interests, or to make a cash settlement in lieu thereof; or

(ii) That has a price, performance, value, or cash flow based primarily upon the actual or

expected price, level, performance, value, or cash flow of one or more underlying interests.

Derivative instruments include options, warrants used in a hedging transaction and not attached to another financial instrument, caps, floors, collars, swaps, forwards, futures, and any other agreements, options, or instruments substantially similar thereto or any series or combination thereof and any agreements, options, or instruments permitted under rules adopted by the commissioner under subsection (3) of this section;

(f) "Derivative transaction" means a transaction involving the use of one or more derivative instruments;

(g) "Floor" means an agreement obligating the seller to make payments to the buyer in which each payment is based on the amount by which a predetermined number, sometimes called the floor rate or price, exceeds a reference price, level, performance, or value of one or more underlying interests;

(h) "Future" means an agreement, traded on a qualified exchange or qualified foreign exchange, to make or take delivery of, or effect a cash settlement based on the actual or expected price, level, performance, or value of, one or more underlying interests;

(i) "Hedging transaction" means a derivative transaction which is entered into and maintained to reduce:

(i) The risk of a change in the value, yield, price, cash flow, or quantity of assets or liabilities which the insurer has acquired or incurred or anticipates acquiring or incurring; or

(ii) The currency exchange rate risk or the degree of exposure as to assets or liabilities which an insurer has acquired or incurred or anticipates acquiring or incurring;

(j) "Option" means an agreement giving the buyer the right to buy or receive (a "call option"), sell or deliver (a "put option"), enter into, extend, or terminate or effect a cash settlement based on the actual or expected price, level, performance, or value of one or more underlying interests;

(k) "Swap" means an agreement to exchange or to net payments at one or more times based on the actual or expected price, level, performance, or value of one or more underlying interests;

(l) "Underlying interest" means the assets, liabilities, other interests, or a combination thereof underlying a derivative instrument, such as any one or more securities, currencies, rates, indices, commodities, or derivative instruments; and

(m) "Warrant" means an instrument that gives the holder the right to purchase an underlying financial instrument at a given price and time or at a series of prices and times outlined in the warrant agreement. Warrants may be issued alone or in connection with the sale of other securities, for example, as part of a merger or recapitalization agreement, or to facilitate divestiture of the securities of another business entity.

(3) The insurance commissioner may adopt rules implementing the provisions of this section.

[1997 c 317 § 1.]

(1) Any ineligible personal property or securities acquired by an insurer may be required to be disposed of within the time not less than six months specified by order of the commissioner, unless before that time it attains the standard of eligibility, if retention of such property or securities would be contrary to the policyholders or public interest in that it tends to substantially lessen competition in the insurance business or threatens impairment of the financial condition of the insurer.

(2) Any personal property or securities acquired by an insurer contrary to RCW 48.13.270 shall be disposed of forthwith or within any period specified by order of the commissioner.

(3) Any property or securities ineligible only because of being excess of the amount permitted under this chapter to be invested in the category to which it belongs shall be ineligible only to the extent of such excess.

[1982 c 218 § 6; 1973 c 151 § 5; 1947 c 79 § .13.29; Rem. Supp. 1947 § 45.13.29.]

Notes:

Severability--1982 c 218: See note following RCW 48.12.020.

RCW 48.13.340 Authorization of investments.

No investment, loan, sale or exchange thereof shall, except as to the policy loans of a life insurer, be made by any domestic insurer unless authorized or approved by its board of directors or by a committee charged by the board of directors or the bylaws with the duty of making such investment, loan, sale or exchange. The minutes of any such committee shall be recorded and reports thereof shall be submitted to the board of directors for approval or disapproval.

[1949 c 190 § 19; 1947 c 79 § .13.34; Rem. Supp. 1949 § 45.13.34.]

RCW 48.13.350 Record of investments.

(1) As to each investment or loan of the funds of a domestic insurer a written record in permanent form showing the authorization thereof shall be made and signed by an officer of the insurer or by the chairman of such committee authorizing the investment or loan.

(2) As to each such investment or loan the insurer's records shall contain:

(a) In the case of loans: The name of the borrower; the location and legal description of the property; a physical description, and the appraised value of the security; the amount of the loan, rate of interest and terms of repayment.

(b) In the case of securities: The name of the obligor; a description of the security and the record of earnings; the amount invested, the rate of interest or dividend, the maturity and yield based upon the purchase price.

(c) In the case of real estate: The location and legal description of the property; a physical description and the appraised value; the purchase price and terms.

(d) In the case of all investments:

(i) The amount of expenses and commissions if any incurred on account of any

investment or loan and by whom and to whom payable if not covered by contracts with mortgage loan representatives or correspondents which are part of the insurer's records.

(ii) The name of any officer or director of the insurer having any direct, indirect, or contingent interest in the securities or loan representing the investment, or in the assets of the person in whose behalf the investment or loan is made, and the nature of such interest.

[1949 c 190 § 20; 1947 c 79 § .13.35; Rem. Supp. 1949 § 45.13.35.]

RCW 48.13.360 Investments of foreign and alien insurers.

The investments of a foreign or alien insurer shall be as permitted by the laws of its domicile but shall be of a quality substantially as high as those required under this chapter for similar funds of like domestic insurers.

[1947 c 79 § .13.36; Rem. Supp. 1947 § 45.13.36.]

RCW 48.13.450 Safeguarding securities--Definitions.

The definitions in this section apply throughout RCW 48.13.450 through 48.13.475 unless the context clearly requires otherwise.

(1) "Broker" means a broker as defined in RCW 62A.8-102(1)(c).

(2) "Clearing corporation" means a depository corporation which maintains a book entry accounting system and which meets the requirements of RCW 62A.8-102(1)(e).

(3) "Commissioner" means the insurance commissioner of the state of Washington.

(4) "Federal reserve book-entry securities system" means the computerized systems sponsored by the United States department of the treasury and certain agencies and instrumentalities of the United States for holding and transferring securities of the United States government and such agencies and instrumentalities, respectively, and managed by the federal reserve system for participating financial institutions.

(5) "Participating financial institution" means a depository financial institution such as a national bank, state bank, savings and loan, credit union, or trust company that is:

(a) Authorized to participate in the federal reserve book-entry system; and

(b) Licensed by the United States or the banking authorities in its state of domicile and is regularly examined by the licensing authority.

(6) "Qualified custodian" means either a participating financial institution or a clearing corporation, or both. A qualified custodian does not include a broker.

(7) "Securities" means instruments as defined in RCW 62A.8-102(1)(c).

[2000 c 221 § 1.]

RCW 48.13.455 Safeguarding securities--Deposit in a clearing corporation or the federal reserve book-entry securities system--Certificates--Records.

Notwithstanding any other provision of law, a domestic insurance company may deposit

or arrange for the deposit of securities held in or purchased for its general account and its separate accounts in a clearing corporation or the federal reserve book-entry securities system. When securities are deposited with a clearing corporation, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited with such clearing corporation by any person, regardless of the ownership of such securities, and certificates representing securities of small denominations may be merged into one or more certificates of larger denominations. The records of any participating financial institution through which an insurance company holds securities in the federal reserve book-entry securities system, and the records of any custodian banks through which an insurance company holds securities in a clearing corporation, shall at all times show that such securities are held for such insurance company and for which accounts thereof. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such clearing corporation or in the federal reserve book-entry securities system without, in either case, physical delivery of certificates representing such securities.

[2000 c 221 § 2.]

RCW 48.13.460 Safeguarding securities--Authorized methods of holding securities.

The following are the only authorized methods of holding securities:

- (1) A domestic insurance company may hold securities in definitive certificates;
- (2) A domestic insurance company may, pursuant to an agreement, designate a participating financial institution or institutions as its custodian through which it can transact and maintain book-entry securities on behalf of the insurance company; or
- (3) A domestic insurance company may, pursuant to an agreement, participate in depository systems of clearing corporations directly or through a custodian bank.

[2000 c 221 § 3.]

RCW 48.13.465 Safeguarding securities--Requirement to receive a confirmation.

A domestic insurance company using the methods of holding securities under RCW 48.13.460 (2) or (3) is required to receive a confirmation from:

- (1) The participating financial institution or the qualified custodian whenever securities are received or surrendered pursuant to the domestic insurance company's instructions to a securities broker; or
- (2) The securities broker provided that the domestic insurance company has given the participating financial institution or qualified custodian and the securities broker matching instructions authorizing the transaction, which have been confirmed by the participating financial institution or qualified custodian prior to surrendering funds or securities to conduct the transaction.

[2000 c 221 § 4.]

RCW 48.13.470 Safeguarding securities--Broker executing a trade--Time limits.

(1) A broker executing a securities trade pursuant to an order from a domestic insurance company shall send confirmation to the domestic insurance company or the clearing corporation confirming the order has been executed within twenty-four hours after order completion.

(2) A broker may not hold in its own account for longer than seventy-two hours any securities bought or sold pursuant to an order from a domestic insurance company.

[2000 c 221 § 5.]

RCW 48.13.475 Safeguarding securities--Maintenance with a qualified custodian--Commissioner may order transfer--Challenge to order--Standing at hearing or for judicial review.

(1) Notwithstanding the maintenance of securities with a qualified custodian pursuant to agreement, if the commissioner:

(a) Has reasonable cause to believe that the domestic insurer:

(i) Is conducting its business and affairs in such a manner as to threaten to render it insolvent;

(ii) Is in a hazardous condition or is conducting its business and affairs in a manner that is hazardous to its policyholders, creditors, or the public; or

(iii) Has committed or is committing or has engaged or is engaging in any act that would constitute grounds for rendering it subject to rehabilitation or liquidation proceedings; or

(b) Determines that irreparable loss and injury to the property and business of the domestic insurer has occurred or may occur unless the commissioner acts immediately; then the commissioner may, without hearing, order the insurer and the qualified custodian promptly to effect the transfer of the securities to another qualified custodian approved by the commissioner. Upon receipt of the order, the qualified custodian shall promptly effect the transfer of the securities. Notwithstanding the pendency of any hearing or request for hearing, the order shall be complied with by those persons subject to that order. Any challenge to the validity of the order shall be made under chapter 48.04 RCW, however, the stay of action provisions of RCW 48.04.020 do not apply. It is the responsibility of both the insurer and the qualified custodian to oversee that compliance with the order is completed as expeditiously as possible. Upon receipt of an order, there shall be no trading of the securities without specific instructions from the commissioner until the securities are received by the new qualified custodian, except to the extent trading transactions are in process on the day the order is received by the insurer and the failure to complete the trade may result in loss to the insurer's account. Issuance of an order does not affect the qualified custodian's liabilities with regard to the securities that are the subject of the order.

(2) No person other than the insurer has standing at the hearing by the commissioner or for any judicial review of the order.

[2000 c 221 § 6.]

RCW 48.13.490 Safeguarding securities--Rules.

The commissioner may adopt rules to implement and administer RCW 48.13.450 through 48.13.475.

[2000 c 221 § 7.]

**Chapter 48.14 RCW
FEES AND TAXES**

Sections

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RCW 48.14.010 Fee schedule.

(1) The commissioner shall collect in advance the following fees:

(a) For filing charter documents:

- (i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed. \$250.00
- (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws. \$ 10.00
- (iii) No additional charge or fee shall

be required for filing any of such documents in the office of the secretary of state.

- (b) Certificate of authority:**
 - (i) Issuance. \$ 25.00
 - (ii) Renewal. \$ 25.00
- (c) Annual statement of insurer, filing. \$ 20.00**
- (d) Organization or financing of domestic insurers and affiliated corporations:**
 - (i) Application for solicitation permit, filing. \$100.00
 - (ii) Issuance of solicitation permit. \$ 25.00
- (e) Agents' licenses:**
 - (i) Agent's qualification licenses every two years. \$ 50.00
 - (ii) Filing of appointment of each such agent, every two years. \$ 20.00
 - (iii) Limited license issued pursuant to RCW 48.17.190, every two years. \$ 20.00
- (f) Reinsurance intermediary licenses:**
 - (i) Reinsurance intermediary-broker, each year. \$ 50.00
 - (ii) Reinsurance intermediary-manager, each year. . . \$100.00
- (g) Brokers' licenses:**
 - (i) Broker's license, every two years. \$100.00
 - (ii) Surplus line broker, every two years. \$200.00
- (h) Solicitors' license, every two years. \$ 20.00**
- (i) Adjusters' licenses:**
 - (i) Independent adjuster, every two years. \$ 50.00
 - (ii) Public adjuster, every two years. \$ 50.00
- (j) Resident general agent's license, every two years. \$ 50.00**
- (k) Managing general agent appointment, every two years. \$200.00**
- (l) Examination for license, each examination:**
 - examinations, except examinations

All examinations, except examinations administered by an independent testing service, the fees for which are to be approved by the commissioner and collected directly by and retained by such independent testing service. . \$ 20.00

(m) Miscellaneous services:

- (i) Filing other documents. \$ 5.00
- (ii) Commissioner's certificate under seal. \$ 5.00
- (iii) Copy of documents filed in the commissioner's office, reasonable charge therefor as determined by the commissioner.

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund: PROVIDED, That fees for examinations administered by an independent testing service which are approved by the commissioner pursuant to subsection (1)(l) of this section shall be collected directly by such independent testing service and retained by it.

[1994 c 131 § 2; 1993 c 462 § 57; 1988 c 248 § 7; 1981 c 111 § 1; 1979 ex.s. c 269 § 1; 1977 ex.s. c 182 § 1; 1969 ex.s. c 241 § 8; 1967 c 150 § 12; 1955 c 303 § 4; 1947 c 79 § .14.01; Rem. Supp. 1947 § 45.14.01.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

Effective date, implementation--1979 ex.s. c 269: "This act shall take effect on April 1, 1980. The insurance commissioner is authorized to immediately take such steps as are necessary to insure that this 1979 act is implemented on its effective date." [1979 ex.s. c 269 § 10.]

RCW 48.14.020 Premium taxes.

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (2) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer during the preceding calendar year other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the

length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(3) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(4) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their agents, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or their agents.

(5) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

[1986 c 296 § 1; 1983 2nd ex.s. c 3 § 7; 1982 2nd ex.s. c 10 § 1; 1982 1st ex.s. c 35 § 15; 1979 ex.s. c 233 § 2; 1969 ex.s. c 241 § 9; 1947 c 79 § .14.02; Rem. Supp. 1947 § 45.14.02.]

Notes:

Severability--1986 c 296: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 296 § 11.]

Application--1986 c 296 § 1: "[The 1986 c 296 amendment of] RCW 48.14.020 applies to the payment of taxes due beginning July 1, 1986, and thereafter." [1986 c 296 § 12.]

Effective date--1986 c 296: "Section 7 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately. The remainder of this act shall take effect July 1, 1986." [1986 c 296 § 13.]

Construction--Severability--Effective dates--1983 2nd ex.s. c 3: See notes following RCW 82.04.255.

Payment of additional premium tax--1982 2nd ex.s. c 10: "The additional premium tax payments required by the amendment of RCW 48.14.020 by section 1 of this act shall be paid to the state treasurer through the insurance commissioner's office on March 1, 1983. Thereafter the prepayment schedule provided by RCW 48.14.025 shall apply." [1982 2nd ex.s. c 10 § 2.]

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

Effective date--1979 ex.s. c 233: "This 1979 amendatory act shall become effective beginning upon and

after January 1, 1980." [1979 ex.s. c 233 § 4.]

Intent--1979 ex.s. c 233: "It is the intent of the legislature to eliminate existing tax discrimination between qualified and nonqualified pension plans which are effectuated by annuity contracts, by excluding the consideration paid for such contracts from premiums subject to the premium tax." [1979 ex.s. c 233 § 1.]

Severability--1979 ex.s. c 233: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 233 § 3.]

Credit against premium tax for assessments paid pursuant to RCW 48.32.060(1)(c): RCW 48.32.145.

Portion of state taxes on fire insurance premiums to be deposited in

firemen's pension fund: RCW 41.16.050.

volunteer fire fighters' and reserve officers' relief and pension principal fund: RCW 41.24.030.

RCW 48.14.0201 Premiums and prepayments tax--Health care services--State preemption.

(1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, or a health care service contractor, as defined in RCW 48.44.010.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund through March 31, 1996, and in the health services account under RCW 43.72.900 after March 31, 1996.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020.

(7) Beginning January 1, 2000, the state does hereby preempt the field of imposing excise or privilege taxes upon taxpayers and no county, city, town, or other municipal subdivision shall have the right to impose any such taxes upon such taxpayers. This subsection shall be limited to premiums and payments for health benefit plans offered by health care service contractors under chapter 48.44 RCW and health maintenance organizations under chapter 48.46 RCW. The preemption authorized by this subsection shall not impair the ability of a county, city, town, or other municipal subdivision to impose excise or privilege taxes upon the health care services directly delivered by the employees of a health maintenance organization under chapter 48.46 RCW.

[1998 c 323 § 1; 1997 c 154 § 1; 1993 sp.s. c 25 § 601; 1993 c 492 § 301.]

Notes:

Effective date--1997 c 154: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 154 § 2.]

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 48.14.021 Reduction of tax--Policies connected with pension, etc., plans exempt or qualified under internal revenue code.

As to premiums received from policies or contracts issued in connection with a pension, annuity or profit-sharing plan exempt or qualified under sections 401, 403(b), 404, 408(b), or 501(a) of the United States internal revenue code, the rate of tax specified in RCW 48.14.020 shall be reduced twelve and one-half percent with respect to the tax payable in 1964, twenty-five percent with respect to the tax payable in 1965, thirty-seven and one-half percent with respect to the tax payable in 1966, fifty percent with respect to the tax payable in 1967, sixty-two and one-half percent with respect to the tax payable in 1968, seventy-five percent with respect to the tax payable in 1969, eighty-seven and one-half percent with respect to the tax payable in 1970, and one hundred percent with respect to the tax payable in 1971 and annually thereafter.

[1975-'76 2nd ex.s. c 119 § 1; 1974 ex.s. c 132 § 1; 1963 c 166 § 1.]

RCW 48.14.022 Taxes--Exemptions and deductions.

(1) The taxes imposed in RCW 48.14.020 and 48.14.0201 do not apply to premiums and prepayments collected or received for policies of insurance issued under RCW 48.41.010 through 48.41.210.

(2) In computing tax due under RCW 48.14.020 and 48.14.0201, there may be deducted from taxable premiums and prepayments the amount of any assessment against the taxpayer under RCW 48.41.010 through 48.41.210. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be

carried forward and deducted in successive years until the deduction is exhausted.

[1995 c 304 § 1; 1987 c 431 § 23.]

Notes:

Effective date--1995 c 304: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 9, 1995]." [1995 c 304 § 2.]

Severability--1987 c 431: See RCW 48.41.910.

Business and occupation tax deductions: RCW 82.04.4329.

RCW 48.14.025 Prepayment of tax obligations under RCW 48.14.020.

(1) Every insurer with a tax obligation under RCW 48.14.020 shall make prepayment of the tax obligations under RCW 48.14.020 for the current calendar year's business, if the sum of the tax obligations under RCW 48.14.020 for the preceding calendar year's business is four hundred dollars or more.

(2) The commissioner shall credit the prepayment toward the appropriate tax obligations of the insurer for the current calendar year under RCW 48.14.020.

(3) The minimum amounts of the prepayments shall be percentages of the insurer's preceding calendar year's tax obligation recomputed using the rate in effect for the current year and shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent; and
- (c) On or before December 15, twenty-five percent.

For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the insurer's prepayment obligations.

(4) The effect of transferring policies of insurance from one insurer to another insurer is to transfer the tax prepayment obligation with respect to the policies.

(5) On or before June 1 of each year, the commissioner shall notify each insurer required to make prepayments in that year of the amount of each prepayment and shall provide remittance forms to be used by the insurer. However, an insurer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the insurer to receive, the notice or forms.

[1986 c 296 § 2; 1982 c 181 § 4; 1981 c 6 § 1.]

Notes:

Severability--Effective date--1986 c 296: See notes following RCW 48.14.020.

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.14.027 Exemption for state health care premiums before July 1, 1990.

The taxes imposed in RCW 48.14.020 do not apply to premiums collected or received before July 1, 1990, for medical and dental coverage purchased under chapter 41.05 RCW.

[1988 c 107 § 32.]

Notes:

Implementation--Effective dates--1988 c 107: See RCW 41.05.901.

RCW 48.14.029 Premium tax credit--New employment for international service activities in eligible areas--Designation of census tracts for eligibility--Records--Tax due upon ineligibility--Interest assessment--Information from employment security department.

(1) Subject to the limits in this section, an eligible person is allowed a credit against the tax due under RCW 48.14.020. The credit is based on qualified employment positions in eligible areas. The credit is available to persons who are engaged in international insurance services as defined in this section. In order to receive the credit, the international insurance services activities must take place at a business within the eligible area.

(2)(a) The credit shall equal three thousand dollars for each qualified employment position created after July 1, 1998, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position, plus the four subsequent consecutive years, if the position is maintained for those four years.

(b) Credit may not be taken for hiring of persons into positions that exist on July 1, 1998. Credit is authorized for new employees hired for new positions created after July 1, 1998. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire.

(c) When a position is newly created, if it is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) Credit may be accrued and carried over until it is used. No refunds may be granted for credits under this section.

(3) For the purposes of this section:

(a) "Eligible area" means: (i) A community empowerment zone under *RCW 43.63A.700; or (ii) a contiguous group of census tracts that meets the unemployment and poverty criteria of *RCW 43.63A.710 and is designated under subsection (4) of this section;

(b) "Eligible person" means a person, as defined in RCW 82.04.030, who in an eligible area at a specific location is engaged in the business of providing international insurance services;

(c) "International insurance services" means a business that provides insurance services related directly to the delivery of the service outside the United States or on behalf of persons residing outside the United States; and

(d) "Qualified employment position" means a permanent full-time position to provide international insurance services. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee.

(4) By ordinance, the legislative authority of a city with population greater than eighty

thousand, located in a county containing no community empowerment zones as designated under *RCW 43.63A.700, may designate a contiguous group of census tracts within the city as an eligible area under this section. Each of the census tracts must meet the unemployment and poverty criteria of *RCW 43.63A.710. Upon making the designation, the city shall transmit to the department of revenue a certification letter and a map, each explicitly describing the boundaries of the census tract. This designation must be made by December 31, 1998.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes:

- (a) Employment records for the previous six years;
- (b) Information relating to description of international insurance services activity engaged in at the eligible location by the person; and
- (c) Information relating to customers of international insurance services activity engaged in at that location by the person.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used shall be immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The employment security department shall provide to the department of revenue such information needed by the department of revenue to verify eligibility under this section.

[1998 c 313 § 3.]

Notes:

***Reviser's note:** RCW 43.63A.700 and 43.63A.710 were recodified as RCW 43.31C.020 and 43.31C.030, respectively, pursuant to 2000 c 212 § 11.

Intent--Findings--Effective date--1998 c 313: See notes following RCW 82.04.44525.
Business and occupation tax credit: RCW 82.04.44525.

RCW 48.14.030 Tax statement.

The insurer shall file with the commissioner as part of its annual statement a statement of premiums so collected or received according to such form as shall be prescribed and furnished by the commissioner. In every such statement the reporting of premiums for tax purposes shall be on a written basis or on a paid-for basis consistent with the basis required by the annual statement.

[1947 c 79 § .14.03; Rem. Supp. 1947 § 45.14.03.]

RCW 48.14.040 Retaliatory provision.

(1) If pursuant to the laws of any other state or country, any taxes, licenses, fees, deposits, or other obligations or prohibitions, in the aggregate, or additional to or at a net rate in excess of any such taxes, licenses, fees, deposits or other obligations or prohibitions imposed by

the laws of this state upon like foreign or alien insurers and their agents and solicitors, are imposed on insurers of this state and their agents doing business in such other state or country, a like rate, obligation or prohibition may be imposed by the commissioner, as to any item or combination of items involved, upon all insurers of such other state or country and their agents doing business in this state, so long as such laws remain in force or are so applied.

(2) For the purposes of this section, an alien insurer may be deemed to be domiciled in the state wherein it has established its principal office or agency in the United States. If no such office or agency has been established, the domicile of the alien insurer shall be deemed to be the country under the laws of which it is formed.

[1988 c 248 § 8; 1949 c 190 § 21, part; 1947 c 79 § .14.04; Rem. Supp. 1949 § 45.14.04.]

RCW 48.14.050 "Ocean marine and foreign trade insurances" defined.

For the purposes of this code other than as to chapter 48.19 RCW "ocean marine and foreign trade insurances" shall include only:

- (1) Insurances upon vessels, crafts, hulls and of interests therein or with relation thereto;
- (2) Insurance of marine builders' risks, marine war risks, and contracts of marine protection and indemnity insurance;
- (3) Insurance of freights and disbursements pertaining to a subject of insurance coming within this definition;
- (4) Insurance of personal property and interests therein, in course of exportation from or importation into any country, or in course of transportation coastwise, including transportation by land, water or air from point of origin to final destination, in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, and while being prepared for and while awaiting shipment, and during any delays, storage, transshipment or reshipment incident thereto.

[1947 c 79 § .14.05; Rem. Supp. 1947 § 45.14.05.]

RCW 48.14.060 Failure to pay tax--Penalty.

(1) Any insurer failing to file its tax statement and to pay the specified tax or prepayment of tax on premiums by the last day of the month in which the tax becomes due shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not paid within forty-five days after the due date, the insurer shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not paid within sixty days of the due date, the insurer shall be assessed a total penalty of twenty percent of the amount of the tax. In such event the tax may be collected by distraint, and the penalty recovered by any action instituted by the commissioner in any court of competent jurisdiction. The amount of any such penalty collected shall be paid to the state treasurer and credited to the general fund.

(2) At his discretion the commissioner may revoke the certificate of authority of any such delinquent insurer, such certificate of authority not to be reissued until all taxes, prepayments of tax, and penalties incurred by the insurer have been fully paid and the insurer has otherwise

qualified for the certificate of authority.

[1981 c 6 § 2; 1947 c 79 § .14.06; Rem. Supp. 1947 § 45.14.06.]

RCW 48.14.070 Refunds.

In event any person has paid to the commissioner any tax, license fee or other charge in error or in excess of that which he is lawfully obligated to pay, the commissioner shall upon written request made to him make a refund thereof. A person may only request a refund of taxes within six years from the date the taxes were paid. A person may only request a refund of fees or charges other than taxes within thirteen months of the date the fees or charges were paid. Refunds may be made either by crediting the amount toward payment of charges due or to become due from such person, or by making a cash refund. To facilitate such cash refunds the commissioner may establish a revolving fund out of funds appropriated by the legislature for his use.

[1979 ex.s. c 130 § 2; 1947 c 79 § .14.07; Rem. Supp. 1947 § 45.14.07.]

RCW 48.14.080 Premium tax in lieu of other forms.

As to insurers, other than title insurers and taxpayers under RCW 48.14.0201, the taxes imposed by this title shall be in lieu of all other taxes, except taxes on real and tangible personal property, excise taxes on the sale, purchase or use of such property, and the tax imposed in RCW 82.04.260(12).

[1998 c 312 § 1; 1993 sp.s. c 25 § 602; 1993 c 492 § 302; 1949 c 190 § 21, part; Rem. Supp. 1949 § 45.14.08.]

Notes:

Effective date--Savings--1998 c 312: See notes following RCW 82.04.332.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

Findings--Intent--1993 c 492: See notes following RCW 43.72.005.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 48.14.090 Determining amount of direct premium taxable in this state.

In determining the amount of direct premium taxable in this state, all such premiums written, procured, or received in this state shall be deemed written upon risks or property resident, situated, or to be performed in this state except such premiums as are properly allocated or apportioned and reported as taxable premiums of any other state or states.

[1963 c 195 § 14.]

RCW 48.14.100 Foreign or alien insurers, continuing liability for taxes.

Any foreign or alien insurer authorized to do business in this state which hereafter either withdraws from the state or has its certificate of authority suspended or revoked shall continue to

pay premium taxes pursuant to this chapter as to policies upon risks or property resident, situated, or to be performed in this state, which policies were issued during the time the insurer was authorized in this state.

[1963 c 195 § 15.]

Chapter 48.15 RCW UNAUTHORIZED INSURERS

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RCW 48.15.020 Solicitation by unauthorized insurer prohibited--Personal liability.

(1) An insurer not thereunto authorized by the commissioner shall not solicit insurance business in this state, nor transact insurance business in this state except as provided in this chapter.

(2)(a) No person shall, in this state, represent an unauthorized insurer except as provided in this chapter. This provision shall not apply to any adjuster or attorney at law representing such an insurer from time to time in this state in his or her professional capacity.

(b) A person, other than a duly licensed surplus line broker acting in good faith under his or her license, who makes a contract of insurance in this state, directly or indirectly, on behalf of an unauthorized insurer, without complying with the provisions of this chapter, is personally liable for the performance of such contract.

(3) Each violation of this section shall constitute a separate offense punishable by a fine of not more than twenty-five thousand dollars, and the commissioner, at the commissioner's discretion, may order replacement of policies improperly placed with an unauthorized insurer with policies issued by an authorized insurer. Violations may result in suspension or revocation of a license.

[1992 c 149 § 1; 1983 1st ex.s. c 32 § 3; 1980 c 102 § 2; 1947 c 79 § .15.02; Rem. Supp. 1947 § 45.15.02.]

RCW 48.15.030 Validity of contracts illegally effectuated.

A contract of insurance effectuated by an unauthorized insurer in violation of the provisions of this code shall be voidable except at the instance of the insurer.

[1947 c 79 § .15.03; Rem. Supp. 1947 § 45.15.03.]

RCW 48.15.040 "Surplus line" coverage.

If certain insurance coverages cannot be procured from authorized insurers, such coverages, hereinafter designated as "surplus lines," may be procured from unauthorized insurers subject to the following conditions:

- (1) The insurance must be procured through a licensed surplus line broker.
- (2) The insurance must not be procurable, after diligent effort has been made to do so from among a majority of the insurers authorized to transact that kind of insurance in this state.
- (3) Coverage shall not be procured from an unauthorized insurer for the purpose of securing a lower premium rate than would be accepted by any authorized insurer nor to secure any other competitive advantage.
- (4) The commissioner may by regulation establish the degree of effort required to comply with subsections (2) and (3) of this section.
- (5) At the time of the procuring of any such insurance an affidavit setting forth the facts referred to in subsections (2) and (3) of this section must be executed by the surplus line broker. Such affidavit shall be filed with the commissioner within thirty days after the insurance is procured.

[1983 1st ex.s. c 32 § 4; 1947 c 79 § .15.04; Rem. Supp. 1947 § 45.15.04.]

RCW 48.15.050 Endorsement of contract.

Every insurance contract procured and delivered as a surplus line coverage pursuant to this chapter shall have stamped upon it and be initialed by or bear the name of the surplus line broker who procured it, the following:

"This contract is registered and delivered as a surplus line coverage under the insurance code of the state of Washington, enacted in 1947."

[1947 c 79 § .15.05; Rem. Supp. 1947 § 45.15.05.]

RCW 48.15.060 Validity of contracts.

Insurance contracts procured as surplus line coverage from unauthorized insurers in accordance with this chapter shall be fully valid and enforceable as to all parties, and shall be given recognition in all matters and respects to the same effect as like contracts issued by

authorized insurers.

[1947 c 79 § .15.06; Rem. Supp. 1947 § 45.15.06.]

RCW 48.15.070 Surplus line brokers--Licensing.

Any individual while a resident of this state, or any firm or any corporation that has in its employ a qualified individual who is a resident of this state and who is authorized to exercise the powers of the firm or corporation, deemed by the commissioner to be competent and trustworthy, and while maintaining an office at a designated location in this state, may be licensed as a surplus line broker in accordance with this section.

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license shall expire if not timely renewed. Surplus line brokers licenses shall be valid for the time period established by the commission unless suspended or revoked at an earlier date.

(3) Prior to issuance of license the applicant shall file with the commissioner a bond in favor of the state of Washington in the penal sum of twenty thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. The licensee shall maintain such bond in force for as long as the license remains in effect.

(4) Every applicant for a surplus line broker's license or for the renewal of a surplus line broker's license shall file with the application or request for renewal a bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of one hundred thousand dollars and shall be the bonding requirement for new licensees. The licensee shall maintain such bond in force while so licensed. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the amount stated in the bond. The bond shall be contingent on the accounting by the surplus line broker to any person requesting such broker to obtain insurance, for moneys or premiums collected in connection therewith. A bond issued in accordance with RCW 48.17.250 or with this subsection will satisfy the requirements of both RCW 48.17.250 and this subsection if the limit of liability is not less than the greater of the requirement of RCW 48.17.250 or the requirement of this subsection.

(5) Any bond issued pursuant to subsection (3) or (4) of this section shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days' advance notice in writing filed with the commissioner.

(6) For the purposes of this section, a "qualified individual" is a natural person who has met all the requirements that must be met by an individual surplus line broker.

[1994 c 131 § 3; 1983 1st ex.s. c 32 § 24; 1982 c 181 § 5; 1981 c 199 § 1; 1980 c 102 § 3; 1979 ex.s. c 130 § 3; 1977 ex.s. c 182 § 2; 1959 c 225 § 4; 1947 c 79 § .15.07; Rem. Supp. 1947 § 45.15.07.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.15.073 Nonresident surplus line brokers--Licensing--Reciprocity.

(1) The commissioner may license as a surplus line broker a person who is otherwise qualified under this code but who is not a resident of this state, if by the laws of the state or province of his or her residence or domicile a similar privilege is extended to residents of this state.

(2) A person under subsection (1) of this section must meet the same qualifications, other than residency, as any other person seeking to be licensed as a surplus line broker under this chapter. A person granted a nonresident surplus line broker's license must have all the same responsibilities as any other surplus line broker and is subject to the (a) commissioner's supervision as though resident in this state and (b) rules adopted under this chapter.

[2001 c 91 § 1.]

RCW 48.15.080 Broker may accept business.

A licensed surplus line broker may accept and place surplus line business for any insurance agent or broker licensed in this state for the kind of insurance involved, and may compensate such agent or broker therefor.

[1947 c 79 § .15.08; Rem. Supp. 1947 § 45.15.08.]

RCW 48.15.085 Liability of insurer assuming direct risk.

(1) If pursuant to the surplus lines provisions of this chapter an insurer has assumed direct risk under a coverage and the premium therefor has been paid to the broker who placed such insurance, the insurer shall be liable to the insured for unearned premiums payable upon cancellation of the insurance, whether or not the broker is indebted to the insurer for such premium or otherwise. This provision shall not affect rights as between the insurer and the broker.

(2) Each such insurer shall be deemed to have subjected itself to this section by acceptance of such direct risk.

[1959 c 225 § 5.]

RCW 48.15.090 Solvent insurer required.

(1) A surplus line broker shall not knowingly place surplus line insurance with insurers unsound financially. The surplus line broker shall ascertain the financial condition of the unauthorized insurer, and maintain written evidence thereof, before placing insurance therewith. The surplus line broker shall not so insure with:

(a) Any foreign insurer having less than six million dollars of capital and surplus or substantially equivalent capital funds, of which not less than one million five hundred thousand

dollars is capital; or

(b) Any alien insurer having less than six million dollars of capital and surplus or substantially equivalent capital funds. By January 1, 1992, this requirement shall be increased to twelve million five hundred thousand dollars. By January 1, 1993, this requirement shall be further increased to fifteen million dollars.

Such alien insurers must have in force in the United States an irrevocable trust fund, in a qualified United States financial institution, on behalf of United States policyholders of not less than five million four hundred thousand dollars and consisting of cash, securities, letters of credit, or of investments of substantially the same character and quality as those which are eligible investments for the capital and statutory reserves of admitted insurers authorized to write like kinds of insurance in this state.

There must be on file with the commissioner a copy of the trust, certified by the trustee, evidencing a subsisting trust fund deposit having an expiration date which at no time shall be less than five years after the date of creation of the trust. Such trust fund shall be included in the calculation of the insurer's capital and surplus or its equivalents; or

(c) Any group including incorporated and individual insurers maintaining a trust fund of less than fifty million dollars as security to the full amount thereof for all policyholders in the United States of each member of the group, and such trust shall likewise comply with the terms and conditions established in (b) of this subsection for an alien insurer; or

(d) Any insurance exchange created by the laws of an individual state, maintaining capital and surplus, or substantially equivalent capital funds of less than fifty million dollars in the aggregate. For insurance exchanges which maintain funds for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus, or the substantial equivalent thereof, of not less than six million dollars. In the event the insurance exchange does not maintain funds for the protection of all insurance exchange policyholders, each individual syndicate shall meet the minimum capital and surplus requirements of (a) of this subsection.

(2) The commissioner may, by rule:

(a) Increase the financial requirements under subsection (1) of this section by not more than one million dollars in any twelve-month period, but in no case may the requirements exceed fifteen million dollars; or

(b) Prescribe the terms under which the foregoing financial requirements may be waived in circumstances where insurance cannot be otherwise procured on risks located in this state.

(3) For any violation of this section the surplus line broker may be fined not less than one hundred dollars or more than five thousand dollars, and in addition to or in lieu thereof the surplus line broker's license may be revoked, suspended, or nonrenewed.

[1997 c 89 § 1; 1994 c 86 § 2; 1991 sp.s. c 5 § 2; 1980 c 102 § 4; 1975 1st ex.s. c 266 § 6; 1969 ex.s. c 241 § 10; 1955 c 303 § 5; 1947 c 79 § .15.09; Rem. Supp. 1947 § 45.15.09.]

Notes:

Effective date--1997 c 89: "This act takes effect June 1, 1998." [1997 c 89 § 2.]

Effective date--1994 c 86: See note following RCW 48.12.160.

Effective date--1991 sp.s. c 5: See note following RCW 48.05.340.

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.15.100 Record of surplus line broker.

(1) Each licensed surplus line broker shall keep a full and true record of each surplus line contract procured by him including a copy of the daily report, if any, showing such of the following items as may be applicable:

- (a) Amount of the insurance;
- (b) Gross premiums charged;
- (c) Return premium paid, if any;
- (d) Rate of premium charged upon the several items of property;
- (e) Effective date of the contract, and the terms thereof;
- (f) Name and address of the insurer;
- (g) Name and address of the insured;
- (h) Brief general description of property insured and where located;
- (i) Other information as may be required by the commissioner.

(2) All such records as to any particular transaction shall be kept available and open to the inspection of the commissioner at any business time during the five years next following the date of completion of such transaction.

[1955 c 303 § 6; 1947 c 79 § .15.10; Rem. Supp. 1947 § 45.15.10.]

RCW 48.15.110 Broker's annual statement.

(1) Each surplus line broker shall on or before the first day of March of each year file with the commissioner a verified statement of all surplus line insurance transacted by him during the preceding calendar year.

(2) The statement shall be on forms as prescribed and furnished by the commissioner and shall show:

- (a) Aggregate of net premiums;
- (b) Additional information as required by the commissioner.

[1955 c 303 § 7; 1947 c 79 § .15.11; Rem. Supp. 1947 § 45.15.11.]

RCW 48.15.120 Premium tax--Surplus lines.

(1) On or before the first day of March of each year each surplus line broker shall remit to the state treasurer through the commissioner a tax on the premiums, exclusive of sums collected to cover federal and state taxes and examination fees, on surplus line insurance subject to tax transacted by him during the preceding calendar year as shown by his annual statement filed with the commissioner, and at the same rate as is applicable to the premiums of authorized foreign insurers under this code. Such tax when collected shall be credited to the general fund.

(2) If a surplus line policy covers risks or exposures only partially in this state the tax so

payable shall be computed upon the proportion of the premium which is properly allocable to the risks or exposures located in this state.

[1947 c 79 § .15.12; Rem. Supp. 1947 § 45.15.12.]

RCW 48.15.130 Penalty for default.

If any surplus line broker fails to file his annual statement, or fails to remit the tax provided by RCW 48.15.120, by the last day of the month in which the tax becomes due, the surplus line broker shall pay the penalties provided in RCW 48.14.060. The tax may be collected by distraint, or the tax and fine may be recovered by an action instituted by the commissioner in any court of competent jurisdiction. Any fine collected by the commissioner shall be paid to the state treasurer and credited to the general fund.

[1983 1st ex.s. c 32 § 5; 1980 c 102 § 5; 1947 c 79 § .15.13; Rem. Supp. 1947 § 45.15.13.]

RCW 48.15.140 Revocation, suspension, or failure to renew broker's license.

(1) The commissioner may revoke, suspend, or refuse to renew any surplus line broker's license:

(a) If the surplus line broker fails to file his annual statement or to remit the tax as required by this chapter; or

(b) If the surplus line broker fails to maintain an office in this state, or to keep the records, or to allow the commissioner to examine his records as required by this chapter; or

(c) For any of the causes for which a broker's license may be revoked under chapter 48.17 RCW.

(2) The commissioner may suspend or revoke any such license whenever he deems suspension or revocation to be for the best interests of the people of this state.

(3) The procedures provided by this code for the suspension or revocation of general brokers' licenses shall be applicable to suspension or revocation of a surplus line broker's license.

(4) No broker whose license has been so revoked shall again be so licensed within one year thereafter, nor until any fines or delinquent taxes owing by him have been paid.

[1980 c 102 § 6; 1947 c 79 § .15.14; Rem. Supp. 1947 § 45.15.14.]

RCW 48.15.150 Legal process against surplus line insurer.

(1) An unauthorized insurer shall be sued, upon any cause of action arising in this state under any contract issued by it as a surplus line contract, pursuant to this chapter, in the superior court of the county in which the cause of action arose.

(2) Service of legal process against the insurer may be made in any such action by service upon the commissioner of duplicate copies of such legal process either by a person competent to serve a summons or by registered mail or certified mail with return receipt requested. At the time of such service the plaintiff shall pay to the commissioner ten dollars, taxable as costs in the

action. The commissioner shall forthwith mail the documents of process served, or a true copy thereof, to the insurer at its principal place of business last known to the commissioner, or to the person designated by the insurer for that purpose in the most recent document filed with the commissioner, on forms prescribed by the commissioner, by prepaid registered or certified mail with return receipt requested. The insurer shall have forty days from the date of service upon the commissioner within which to plead, answer, or otherwise defend the action. Upon service of process upon the commissioner in accordance with this provision, the court shall be deemed to have jurisdiction in personam of the insurer.

(3) An unauthorized insurer issuing such policy shall be deemed thereby to have authorized service of process against it in the manner and to the effect as provided in this section. Any such policy shall contain a provision designating the commissioner as the person upon whom service of process may be made.

[1979 ex.s. c 199 § 4; 1963 c 195 § 16; 1955 c 303 § 8; 1947 c 79 § .15.15; Rem. Supp. 1947 § 45.15.15.]

RCW 48.15.160 Exemptions from surplus line requirements.

(1) The provisions of this chapter controlling the placing of insurance with unauthorized insurers shall not apply to reinsurance or to the following insurances when so placed by licensed agents or brokers of this state:

(a) Ocean marine and foreign trade insurances.

(b) Insurance on subjects located, resident, or to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside this state.

(c) Insurance on operations of railroads engaged in transportation in interstate commerce and their property used in such operations.

(d) Insurance of aircraft owned or operated by manufacturers of aircraft, or of aircraft operated in schedule interstate flight, or cargo of such aircraft, or against liability, other than workers' compensation and employer's liability, arising out of the ownership, maintenance or use of such aircraft.

(2) Agents and brokers so placing any such insurance with an unauthorized insurer shall keep a full and true record of each such coverage in detail as required of surplus line insurance under this chapter and shall meet the requirements imposed upon a surplus line broker pursuant to RCW 48.15.090 and any regulations adopted thereunder. The record shall be preserved for not less than five years from the effective date of the insurance and shall be kept available in this state and open to the examination of the commissioner. The agent or broker shall furnish to the commissioner at the commissioner's request and on forms as designated and furnished by him or her a report of all such coverages so placed in a designated calendar year.

[1987 c 185 § 23; 1985 c 264 § 5; 1949 c 190 § 22; 1947 c 79 § .15.16; Rem. Supp. 1949 § 45.15.16.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.15.170 Records of insureds--Inspection.

Every person for whom insurance has been placed with an unauthorized insurer pursuant to or in violation of this chapter shall, upon the commissioner's order, produce for his examination all policies and other documents evidencing the insurance, and shall disclose to the commissioner the amount of the gross premiums paid or agreed to be paid for the insurance. For each refusal to obey such order, such person shall be liable to a fine of not more than five hundred dollars.

[1947 c 79 § .15.17; Rem. Supp. 1947 § 45.15.17.]

**Chapter 48.16 RCW
DEPOSITS OF INSURERS**

Sections

| | |
|-----------|-----------------------------------|
| 48.16.010 | Deposits of insurers--In general. |
| 48.16.020 | Deposits to be held in trust. |
| 48.16.030 | Securities eligible for deposit. |
| 48.16.050 | Commissioner's receipt--Records. |
| 48.16.060 | Transfer of securities. |
| 48.16.070 | Depositaries--Designation. |
| 48.16.080 | Liability for safekeeping. |
| 48.16.090 | Dividends and substitutions. |
| 48.16.100 | Release of deposits--Generally. |
| 48.16.110 | Release of existing deposits. |
| 48.16.120 | Voluntary excess deposits. |
| 48.16.130 | Immunity from levy. |

RCW 48.16.010 Deposits of insurers--In general.

The commissioner shall accept deposits of securities or funds by insurers as follows:

(1) Deposits in amount as required to be made as prerequisite to a certificate of authority to transact insurance in this state.

(2) Deposits of domestic or alien insurers in amount as required to be made by the laws of other states as prerequisite for authority to transact insurance in such other states.

(3) Deposits in amounts as result from application of the retaliatory provision, RCW 48.14.040.

(4) Deposits in other additional amounts permitted to be made by this code.

[1955 c 86 § 3; 1947 c 79 § .16.01; Rem. Supp. 1947 § 45.16.01.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.020 Deposits to be held in trust.

Each such deposit shall be held by the commissioner in trust for the protection of all policyholders in the United States of the insurer making it; except that deposits of alien insurers shall be so held for the security of such insurer's obligations arising out of its insurance transactions in the United States, and except as to deposits the purpose of which may be further limited pursuant to the retaliatory provision, RCW 48.14.040.

[1955 c 86 § 4; 1947 c 79 § .16.02; Rem. Supp. 1947 § 45.16.02.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.030 Securities eligible for deposit.

All such deposits shall consist of cash funds or public obligations as specified in RCW 48.13.040; except, that with respect to deposits held on account of registered policies heretofore issued, the commissioner may accept deposit of such other kinds of securities as are expressly required to be deposited by the terms of such policies.

[1955 c 86 § 5; 1947 c 79 § .16.03; Rem. Supp. 1947 § 45.16.03.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.050 Commissioner's receipt--Records.

(1) The commissioner shall deliver to the insurer a receipt for all funds and securities so deposited by it.

(2) The commissioner or the designated depository shall keep a record in permanent form of all funds and securities so deposited.

[1955 c 86 § 6; 1947 c 79 § .16.05; Rem. Supp. 1947 § 45.16.05.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.060 Transfer of securities.

(1) No transfer of any funds or security so held on deposit, whether voluntary or by operation of law, shall be valid unless approved in writing by the commissioner.

(2) A statement of each such transfer shall be entered on the records of the commissioner or designated depository, showing the name of the insurer from whose deposit such transfer is made, the name of the transferee, and the par value of the securities so transferred.

[1955 c 86 § 7; 1947 c 79 § .16.06; Rem. Supp. 1947 § 45.16.06.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.070 Depositaries--Designation.

The commissioner may designate any solvent trust company or other solvent financial institution having trust powers as the commissioner's depository to receive and hold any deposit

of securities. Any deposit so held shall be at the expense of the insurer. Any solvent financial institution having trust powers, the deposits of which are insured by the Federal Deposit Insurance Corporation, may be designated as the commissioner's depository to receive and hold any deposit of funds. All funds deposited shall be fully insured by the Federal Deposit Insurance Corporation. For purposes of this section, "solvent financial institution" means any national or state-chartered commercial bank or trust company, savings bank, or savings association, or branch or branches thereof, having trust powers located in this state and lawfully engaged in business.

[1998 c 25 § 1; 1985 c 264 § 6; 1955 c 86 § 8; 1947 c 79 § .16.07; Rem. Supp. 1947 § 45.16.07.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.080 Liability for safekeeping.

The state of Washington shall be responsible for the safekeeping and return of all funds and securities deposited pursuant to this chapter with the commissioner or in any such depository so designated by him.

[1955 c 86 § 9; 1947 c 79 § .16.08; Rem. Supp. 1947 § 45.16.08.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.090 Dividends and substitutions.

While solvent and complying with this code an insurer shall be entitled:

- (1) To collect and receive interest and dividends accruing on the securities so held on deposit for its account, and
- (2) From time to time exchange and substitute for any of such securities, other securities eligible for deposit and of at least equal value.

[1947 c 79 § .16.09; Rem. Supp. 1947 § 45.16.09.]

RCW 48.16.100 Release of deposits--Generally.

(1) Any such required deposit shall be released in these instances only:

- (a) Upon extinguishment of all liabilities of the insurer for the security of which the deposit is held, by reinsurance contract or otherwise.
- (b) If any such deposit or portion thereof is no longer required under this code.
- (c) If the deposit has been made pursuant to the retaliatory provision, RCW 48.14.040, it shall be released in whole or in part when no longer so required.
- (d) Upon proper order of a court of competent jurisdiction the deposit shall be released to the receiver, conservator, rehabilitator, or liquidator of the insurer for whose account the deposit is held.

(2) No such release shall be made except on application to and written order of the commissioner made upon proof satisfactory to him of the existence of one of such grounds

therefor. The commissioner shall have no personal liability for any such release of any deposit or part thereof so made by him in good faith.

(3) All releases of deposits or any part thereof shall be made to the person then entitled thereto upon proof of title satisfactory to the commissioner.

(4) Deposits held on account of title insurers are subject further to the provisions of chapter 48.29 RCW.

[1947 c 79 § .16.10; Rem. Supp. 1947 § 45.16.10.]

RCW 48.16.110 Release of existing deposits.

Any part of any deposit of an insurer held by the commissioner which is in amount in excess of the deposit required or permitted to be made by such insurer under this code, shall, upon written order of the commissioner, be released; except, that no deposit held on account of any registered policies heretofore issued by the insurer shall be released except in accordance with the conditions under which such deposit was made.

[1955 c 86 § 10; 1947 c 79 § .16.11; Rem. Supp. 1947 § 45.16.11.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.120 Voluntary excess deposits.

An insurer may deposit and maintain on deposit with the commissioner funds and eligible securities in amount exceeding its required deposit under this code by not more than one hundred thousand dollars, for the purpose of absorbing fluctuations in the value of securities held in its required deposit, and to facilitate the exchange and substitution of such required securities. During the solvency of the insurer any such excess deposit or any part thereof shall be released to it upon its request. During the insolvency of the insurer such excess deposit shall be released only as provided in RCW 48.16.100.

[1955 c 86 § 11; 1947 c 79 § .16.12; Rem. Supp. 1947 § 45.16.12.]

Notes:

Effective date--Supervision of transfer--1955 c 86: See notes following RCW 48.05.080.

RCW 48.16.130 Immunity from levy.

No judgment creditor or other claimant of an insurer shall levy upon any deposit held pursuant to this chapter, or upon any part thereof.

[1947 c 79 § .16.13; Rem. Supp. 1947 § 45.16.13.]

**Chapter 48.17 RCW
AGENTS, BROKERS, SOLICITORS, AND ADJUSTERS**

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Notes:

Agent on commission not subject to unemployment compensation: RCW 50.04.230.

Binders: RCW 48.18.230.

Illegal inducements: RCW 48.30.150.

Independent agency contract: Chapter 48.18 RCW.

Rebating: RCW 48.30.140.

"Twisting" prohibited: RCW 48.30.180.

Unfair practices: Chapter 48.30 RCW.

RCW 48.17.010 "Agent" defined.

"Agent" means any person appointed by an insurer to solicit applications for insurance on its behalf. If authorized so to do, an agent may effectuate insurance contracts. An agent may collect premiums on insurances so applied for or effectuated.

[1985 c 264 § 7; 1981 c 339 § 9; 1947 c 79 § .17.01; Rem. Supp. 1947 § 45.17.01.]

RCW 48.17.020 "Broker" defined.

"Broker" means any person who, on behalf of the insured, for compensation as an independent contractor, for commission, or fee, and not being an agent of the insurer, solicits, negotiates, or procures insurance or reinsurance or the renewal or continuance thereof, or in any manner aids therein, for insureds or prospective insureds other than himself.

[1947 c 79 § .17.02; Rem. Supp. 1947 § 45.17.02.]

RCW 48.17.030 "Solicitor" defined.

"Solicitor" means an individual authorized by an agent or broker to solicit applications for insurance as a representative of such agent or broker and to collect premiums in connection therewith. An individual employed by, and devoting full time to clerical work with incidental taking of insurance applications and receiving premiums in the office of the agent or broker is not deemed to be a solicitor if his compensation is not related to the volume of such applications, insurances, or premiums.

[1947 c 79 § .17.03; Rem. Supp. 1947 § 45.17.03.]

RCW 48.17.040 Service representatives.

Individuals other than an officer, manager, or general agent of the insurer, employed on salary by an insurer or general agent to work with and assist agents in soliciting, negotiating, and effectuating insurance in such insurer or in the insurers represented by the general agent, are deemed to be service representatives and are not required to be licensed.

[1947 c 79 § .17.04; Rem. Supp. 1947 § 45.17.04.]

RCW 48.17.050 "Adjuster" defined.

(1) "Adjuster" means any person who, for compensation as an independent contractor or as an employee of an independent contractor, or for fee or commission, investigates or reports to his principal relative to claims arising under insurance contracts, on behalf solely of either the insurer or the insured. An attorney at law who adjusts insurance losses from time to time incidental to the practice of his profession, or an adjuster of marine losses, or a salaried employee of an insurer or of a general agent, is not deemed to be an "adjuster" for the purposes of this chapter.

(2) "Independent adjuster" means such an adjuster representing the interests of the insurer.

(3) "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy.

[1947 c 79 § .17.05; Rem. Supp. 1947 § 45.17.05.]

RCW 48.17.055 "Insurance education provider" defined.

"Insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution created by Washington statutes, or vocational school licensed under Title 28C RCW or independent contractor to which the commissioner has granted authority to conduct and certify completion of a course satisfying the insurance education requirements of RCW 48.17.150.

[1989 c 323 § 2.]

Notes:

Effective date--1989 c 323: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989." [1989 c 323 § 8.]

RCW 48.17.060 License required--Exceptions--Penalty.

(1) No person shall in this state act as or hold himself out to be an agent, broker, solicitor, or adjuster unless then licensed therefor by this state.

(2) No agent, solicitor, or broker shall solicit or take applications for, procure, or place for others any kind of insurance for which he is not then licensed.

(3) This section shall not apply with respect to any person securing and forwarding

information required for the purposes of group credit life and credit disability insurance or credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations in connection with an extension of credit and such other credit life and disability insurance or credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations as the commissioner shall determine, and where no commission or other compensation is payable on account of the securing and forwarding of such information. However, the reimbursement of a creditor's actual expenses for securing and forwarding information required for the purposes of such group insurance shall not be considered a commission or other compensation if such reimbursement does not exceed three dollars per certificate issued, or in the case of a monthly premium plan extending beyond twelve months, not to exceed three dollars per loan transaction revision per year.

(4) Any person violating this section shall be liable to a fine of not to exceed five hundred dollars and imprisonment for not to exceed six months for each instance of such violation.

[1995 c 214 § 1; 1975 1st ex.s. c 266 § 7; 1955 c 303 § 9; 1947 c 79 § .17.06; Rem. Supp. 1947 § 45.17.06.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.17.065 Application of chapter to health care service contractors and health maintenance organizations.

The provisions of this chapter shall apply to agents of health care service contractors and health maintenance organizations.

[1983 c 202 § 7.]

RCW 48.17.070 General qualifications for license.

For the protection of the people of this state the commissioner shall not issue or renew any such license except in compliance with this chapter, nor to, nor to be exercised by, any person found by him to be untrustworthy, or incompetent, or who has not established to the satisfaction of the commissioner that he is qualified therefor in accordance with this chapter.

[1947 c 79 § .17.07; Rem. Supp. 1947 § 45.17.07.]

RCW 48.17.090 Application for license.

(1) Application for any such license shall be made to the commissioner upon forms as prescribed and furnished by the commissioner. As a part of or in connection with any such application the applicant shall furnish information concerning his or her identity, including fingerprints, personal history, experience, business record, purposes, and other pertinent facts, as the commissioner may reasonably require.

(2) Persons resident in the United States but not in Washington may apply for such a

license on a form prepared by the national association of insurance commissioners or others, if those forms are approved by the commissioner by rule. An applicant shall also furnish any other information required to be submitted but not provided for in that form.

(3) Any person willfully misrepresenting any fact required to be disclosed in any such application shall be liable to penalties as provided by this code.

(4) If in the process of verifying fingerprints, business records, or other information the commissioner's office incurs fees or charges from another governmental agency or from a business firm, the amount of such fees or charges shall be paid to the commissioner's office by the applicant and shall be considered the recovery of a previous expenditure.

[2001 c 56 § 1; 1982 c 181 § 6; 1981 c 339 § 10; 1967 c 150 § 15; 1947 c 79 § .17.09; Rem. Supp. 1947 § 45.17.09.]

NOTES:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.17.100 One filing of personal data sufficient.

(1) The filing of personal data by an individual in connection with one application for an agent's license shall be sufficient, regardless of the number of insurers to be represented by the agent or the number of subsequent applications by the same applicant.

(2) The commissioner may, for his information from time to time require any licensed agent, or solicitor, or broker, or adjuster, to supply him with the information called for in an application for license.

[1947 c 79 § .17.10; Rem. Supp. 1947 § 45.17.10.]

RCW 48.17.110 Examination of applicants.

(1) Each applicant for license as an agent, broker, solicitor, or adjuster shall, prior to the issuance of any such license, personally take and pass to the satisfaction of the examining authority, an examination given as a test of that person's qualifications and competence, but this requirement shall not apply to:

(a) Applicants for limited licenses under RCW 48.17.190, at the discretion of the commissioner.

(b) Applicants who within the two year period next preceding date of application have been licensed as a resident in this state under a license requiring qualifications similar to qualifications required by the license applied for or who have successfully completed a course of study recognized as a mark of distinction by the insurance industry and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for license as a nonresident agent or as a nonresident broker or as a nonresident adjuster who are duly licensed in their state of residence and who are deemed by the commissioner to be fully qualified and competent for a similar license in this state.

(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

(e) Applicants for an adjuster's license who for a period of one year, a portion of which was in the year next preceding the date of application, have been a full time salaried employee of an insurer or of a general agent to adjust, investigate, or report claims arising under insurance contracts.

(2) Any person licensed as an insurance broker by this state prior to June 8, 1967, who is otherwise qualified to be a licensed insurance broker, shall be entitled to renew that person's broker's license by payment of the applicable fee for such of the broker's licenses authorized by RCW 48.17.240, as that person shall elect, without taking any additional examination, except as provided in subsection (3).

(3) The commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing the licensee's competence and qualifications as a condition to the continuance or renewal of a license, if the licensee has been guilty of violation of this code, or has so conducted affairs under an insurance license as to cause the commissioner reasonably to desire further evidence of the licensee's qualifications.

[1990 1st ex.s. c 3 § 2; 1977 ex.s. c 182 § 3; 1967 c 150 § 16; 1965 ex.s. c 70 § 19; 1963 c 195 § 17; 1955 c 303 § 10; 1949 c 190 § 23; 1947 c 79 § .17.11; Rem. Supp. 1949 § 45.17.11.]

RCW 48.17.120 Scope of examinations.

(1) Each such examination shall be of sufficient scope and difficulty to test the applicant's knowledge relative to the kinds of insurance which may be dealt with under the license applied for, and of the duties and responsibilities of, and laws of this state applicable to, such a licensee, and so as reasonably to assure that a passing score indicates that the applicant is qualified from the standpoint of knowledge and education.

(2) Examination as to ocean marine and related coverages may be waived by the commissioner as to any applicant deemed by the commissioner to be qualified by past experience to deal in such insurances.

(3) The commissioner shall prepare, or approve, and make available to insurers, general agents, brokers, agents, and applicants a printed manual specifying in general terms the subjects which may be covered in any examination for a particular license.

[1989 c 323 § 6; 1981 c 111 § 2; 1967 c 150 § 17; 1955 c 303 § 11; 1947 c 79 § .17.12; Rem. Supp. 1947 § 45.17.12.]

Notes:

Effective date--1989 c 323: See note following RCW 48.17.055.

RCW 48.17.125 Examination questions--Confidentiality--Penalties.

It is unlawful for any unauthorized person to remove, reproduce, duplicate, or distribute in any form, any question(s) used by the state of Washington to determine the qualifications and competence of insurance agents, brokers, solicitors, or adjusters required by Title 48 RCW to be licensed. This section shall not prohibit an insurance education provider from creating and using sample test questions in courses approved pursuant to RCW 48.17.150.

Any person violating this section shall be subject to penalties as provided by RCW 48.01.080 and 48.17.560.

[1989 c 323 § 1.]

Notes:

Effective date--1989 c 323: See note following RCW 48.17.055.

RCW 48.17.130 Examinations--Form, time of, fee.

(1) The answers of the applicant to any such examination shall be written by the applicant under the examining authority's supervision, and any such written examination may be supplemented by oral examination at the discretion of the examining authority.

(2) Examinations shall be given at such times and places within this state as the examining authority deems necessary reasonably to serve the convenience of both the examining authority and applicants.

(3) The examining authority may require a waiting period of reasonable duration before giving a new examination to an applicant who has failed to pass a previous similar examination.

(4) For each examination taken, the commissioner shall collect in advance the fee provided in RCW 48.14.010. In the event the commissioner contracts with an independent testing service for examination development and administration, the examination fee may be collected directly by such testing service.

[1981 c 111 § 3; 1967 c 150 § 18; 1947 c 79 § .17.13; Rem. Supp. 1947 § 45.17.13.]

RCW 48.17.150 Agent's and broker's qualifications--Continuing education requirements.

(1) To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must

(a) be eighteen years of age or over, if an individual;

(b) be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;

(c) be empowered to be an agent or broker, as the case may be, under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;

(d) complete such minimum educational requirements for the issuance of an agent's license for the kinds of insurance specified in RCW 48.17.210 as may be required by regulation issued by the commissioner;

(e) successfully pass any examination as required under RCW 48.17.110;

(f) be a trustworthy person;

(g) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license; and

(h) if for broker's license, have had at least two years experience either as an agent, solicitor, adjuster, general agent, broker, or as an employee of insurers or representatives of

insurers, and special education or training of sufficient duration and extent reasonably to satisfy the commissioner that he possesses the competence necessary to fulfill the responsibilities of broker.

(2) The commissioner shall by regulation establish minimum continuing education requirements for the renewal or reissuance of a license to an agent or a broker: PROVIDED, That the commissioner shall require that continuing education courses will be made available on a state-wide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses. The continuing education requirements shall be appropriate to the license for the kinds of insurance specified in RCW 48.17.210: PROVIDED FURTHER, That the continuing education requirements may be waived by the commissioner for good cause shown.

(3) If the commissioner finds that the applicant is so qualified and that the license fee has been paid, the license shall be issued. Otherwise, the commissioner shall refuse to issue the license.

[1994 c 131 § 4; 1988 c 248 § 9; 1979 ex.s. c 269 § 7; 1971 ex.s. c 292 § 47; 1967 c 150 § 19; 1961 c 194 § 4; 1947 c 79 § .17.15; Rem. Supp. 1947 § 45.17.15.]

Notes:

Effective date, implementation--1979 ex.s. c 269: See note following RCW 48.14.010.

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 48.17.160 Appointment of agents--Revocation--Expiration--Renewal.

(1) Each insurer on appointing an agent in this state shall file written notice thereof with the commissioner on forms as prescribed and furnished by the commissioner, and shall pay the filing fee therefor as provided in RCW 48.14.010. The commissioner shall return the appointment of agent form to the insurer for distribution to the agent. The commissioner may adopt regulations establishing alternative appointment procedures for individuals within licensed firms, corporations, or sole proprietorships who are empowered to exercise the authority conferred by the firm, corporate, or sole proprietorship license.

(2) Each appointment shall be effective until the agent's license expires or is revoked, the appointment has expired, or written notice of termination of the appointment is filed with the commissioner, whichever occurs first.

(3) When the appointment is revoked by the insurer, written notice of such revocation shall be given to the agent and a copy of the notice of revocation shall be mailed to the commissioner.

(4) Revocation of an appointment by the insurer shall be deemed to be effective as of the date designated in the notice as being the effective date if the notice is actually received by the agent prior to such designated date; otherwise, as of the earlier of the following dates:

(a) The date such notice of revocation was received by the agent.

(b) The date such notice, if mailed to the agent at his last address of record with the insurer, in due course should have been received by the agent.

(5) Appointments expire if not timely renewed. Each insurer shall pay the renewal fee set

forth for each agent holding an appointment on the renewal date assigned the agents of the insurer by the commissioner. The commissioner, by rule, shall determine renewal dates. If a staggered system is used, fees shall be prorated in the conversion to a staggered system.

[1994 c 131 § 5; 1990 1st ex.s. c 3 § 3; 1979 ex.s. c 269 § 2; 1967 c 150 § 20; 1959 c 225 § 6; 1955 c 303 § 13; 1947 c 79 § .17.16; Rem. Supp. 1947 § 45.17.16.]

Notes:

Effective date, implementation--1979 ex.s. c 269: See note following RCW 48.14.010.

RCW 48.17.170 Form and content of licenses.

Agents', solicitors', adjusters' and brokers' licenses shall be in the form and contain the essential information prescribed by the commissioner.

[1979 ex.s. c 269 § 3; 1947 c 79 § .17.17; Rem. Supp. 1947 § 45.17.17.]

Notes:

Effective date, implementation--1979 ex.s. c 269: See note following RCW 48.14.010.

RCW 48.17.180 Licenses to firms and corporations.

(1) A firm or corporation may be licensed as an agent, adjuster, or broker if each individual empowered to exercise the authority conferred by the corporate or firm license is also licensed. Exercise or attempted exercise of the powers of the firm or corporation by an unlicensed person, with the knowledge or consent of the firm or corporation, shall constitute cause for the revocation or suspension of the license.

(2) Licenses shall be issued in a trade name only upon proof satisfactory to the commissioner that the trade name has been lawfully registered.

(3) For the purpose of this section, a firm shall include a duly licensed individual acting as a sole proprietorship having associated licensees authorized to act on the proprietor's behalf in the proprietor's business or trade name.

[1990 1st ex.s. c 3 § 4; 1979 ex.s. c 269 § 4; 1947 c 79 § .17.18; Rem. Supp. 1947 § 45.17.18.]

Notes:

Effective date, implementation--1979 ex.s. c 269: See note following RCW 48.14.010.

Title insurance agents, separate licenses for individuals not required: RCW 48.29.170.

RCW 48.17.190 Limited licenses.

The commissioner may issue limited licenses to the following:

(1) Persons selling transportation tickets of a common carrier of persons or property who shall act as such agents only as to transportation ticket policies of disability insurance or baggage insurance on personal effects.

(2) Compensated master policyholders of credit life and credit accident and health insurance and credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations, retail dealers compensated by any such master policyholders, or the authorized representative(s) of either.

(3) Persons selling special or unique policies of insurance covering goods sold or leased from a primary business or activity other than the transaction of insurance or covering collateral securing loans from a primary business or activity other than the transaction of insurance if, in the commissioner's discretion, such limited license would safeguard and promote the public interest.

[1995 c 214 § 2; 1979 c 138 § 1; 1967 c 150 § 21; 1947 c 79 § .17.19; Rem. Supp. 1947 § 45.17.19.]

RCW 48.17.200 One license required by agent.

An agent is required to have but one license regardless of the number of appointments by insurers the agent may have.

[1979 ex.s. c 269 § 5; 1955 c 303 § 14; 1947 c 79 § .17.20; Rem. Supp. 1947 § 45.17.20.]

Notes:

Effective date, implementation--1979 ex.s. c 269: See note following RCW 48.14.010.

RCW 48.17.210 Minimum license combinations.

Except as provided in RCW 48.17.190, an agent's license shall not be issued unless it includes, and the applicant is qualified for, one or more of the following kinds of insurance:

- (1) Casualty.
- (2) Disability.
- (3) Life.
- (4) Marine and transportation.
- (5) Property.
- (6) Surety.
- (7) Vehicle.

[1947 c 79 § .17.21; Rem. Supp. 1947 § 45.17.21.]

RCW 48.17.230 Agent placing rejected business.

A licensed agent appointed by an insurer as to life or disability insurances may, if with the knowledge and consent of such insurer, place any portion of a life or disability risk which has been rejected by such insurer, with other authorized insurers without being licensed as to such other insurers. Any agent so placing rejected business becomes the agent for the company issuing the insurance with respect to that business just as if it had appointed such person as its agent.

[1988 c 248 § 10; 1947 c 79 § .17.23; Rem. Supp. 1947 § 45.17.23.]

RCW 48.17.240 Scope of broker's license.

A broker's license may be issued to cover the following lines of insurance:

- (a) All lines of insurance; or

(b) All lines except life, which shall be designated as a casualty-property broker's license;
or

(c) Life and disability only.

[1967 c 150 § 22; 1947 c 79 § .17.24; Rem. Supp. 1947 § 45.17.24.]

RCW 48.17.250 Broker's bond.

(1) Every applicant for a broker's license or for the renewal of a broker's license existing on the effective date of this code shall file with the application or request for renewal and shall thereafter maintain in force while so licensed a bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of twenty thousand dollars. If the applicant is a firm or corporation, the bond shall be in the amount of twenty thousand dollars plus five thousand dollars for the second and five thousand dollars for each additional individual empowered and designated in the license to exercise the powers conferred thereby. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the required amount of the bond. The bond shall be contingent on the accounting by the broker to any person requesting the broker to obtain insurance, for moneys or premiums collected in connection therewith.

(2) Any such bond shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days advance notice in writing filed with the commissioner.

[1979 ex.s. c 269 § 8; 1977 ex.s. c 182 § 4; 1947 c 79 § .17.25; Rem. Supp. 1947 § 45.17.25.]

Notes:

Effective date, implementation--1979 ex.s. c 269: See note following RCW 48.14.010.

RCW 48.17.260 Broker's authority--Commissions.

(1) A broker, as such, is not an agent or other representative of an insurer, and does not have power, by his own acts, to bind the insurer upon any risk or with reference to any insurance contract.

(2) An insurer or agent shall have the right to pay to a broker licensed under this code, or under the laws of any other state or province, and such broker shall have the right to receive from the insurer or agent, the customary commissions upon insurances placed in the insurer by the broker.

[1949 c 190 § 24; 1947 c 79 § .17.26; Rem. Supp. 1949 § 45.17.26.]

RCW 48.17.270 Agent-broker combinations--Compensation--Disclosure.

(1) A licensed agent may be licensed as a broker and be a broker as to insurers for which the licensee is not then appointed as agent. A licensed broker may be licensed as and be an agent as to insurers appointing such agent. The sole relationship between a broker and an insurer as to

which the licensee is appointed as an agent shall, as to transactions arising during the existence of such agency appointment, be that of insurer and agent.

(2) Unless the agency-insurer agreement provides to the contrary, an insurance agent licensed as a broker may, with respect to property and casualty insurance, receive the following compensation:

(a) A commission paid by the insurer;

(b) A fee paid by the insured; or

(c) A combination of commission paid by the insurer and a fee paid by the insured from which a broker may offset or reimburse the insured for all or part of the fee.

If the compensation received by an agent who is also licensed as a broker and who is dealing directly with the insured includes a fee, the full amount of compensation, including an explanation of any offset or reimbursement, must be disclosed in writing, signed by the broker and the insured, and the writing must be retained by the broker for not less than five years.

[1994 c 203 § 1; 1993 c 455 § 1; 1981 c 339 § 13; 1947 c 79 § .17.27; Rem. Supp. 1947 § 45.17.27.]

RCW 48.17.280 Solicitor's qualifications.

The commissioner shall license as a solicitor an individual only who meets the following requirements:

(1) Is a resident of this state.

(2) Intends to and does make the soliciting and handling of insurance business under his license his principal vocation.

(3) Is to represent and be employed by but one licensed agent or broker.

(4) Has passed any examination as required under this chapter.

(5) Is otherwise qualified under this code.

[1947 c 79 § .17.28; Rem. Supp. 1947 § 45.17.28.]

RCW 48.17.290 Solicitor's license--Application.

The commissioner shall issue a solicitor's license only upon application by the applicant and the request of the agent or broker to be represented, upon such forms as the commissioner shall prescribe and furnish.

[1947 c 79 § .17.29; Rem. Supp. 1947 § 45.17.29.]

RCW 48.17.300 Solicitor's license fee--Custody--Cancellation.

(1) The fee for issuance or renewal of a solicitor's license shall be paid by the agent or broker by whom the solicitor is employed.

(2) The solicitor's license shall be delivered to and shall remain in the possession of the employing agent or broker. Upon termination of such employment, the license shall likewise terminate and shall be returned to the commissioner for cancellation.

[1947 c 79 § .17.30; Rem. Supp. 1947 § 45.17.30.]

RCW 48.17.310 Limitations upon solicitors.

(1) A solicitor's license shall not cover any kind of insurance for which the agent or broker by whom he is employed is not then licensed.

(2) A solicitor shall not have power to bind an insurer upon or with reference to any risk or insurance contract, or to countersign insurance contracts.

(3) Any individual while licensed as a solicitor shall not be licensed as an agent or broker.

[1947 c 79 § .17.31; Rem. Supp. 1947 § 45.17.31.]

RCW 48.17.320 Responsibility of employing agent or broker.

All business transacted by a solicitor under his license shall be in the name of the agent or broker by whom he is employed and the agent or broker shall be responsible for all acts or omissions of the solicitor within the scope of such employment.

[1947 c 79 § .17.32; Rem. Supp. 1947 § 45.17.32.]

RCW 48.17.330 Nonresident agents and brokers--Reciprocity.

(1) The commissioner may license as an agent or as a broker, a person who is not a resident of or domiciled in this state and who holds a corresponding license issued by the state or province of his or her residence or domicile, subject to RCW 48.17.530, if by the laws of the state or province of his or her residence or domicile a similar privilege is extended to residents of or corporations domiciled in this state. As used in this section, "state" means a state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands; and "province" means a province of Canada.

(2) Any such licensee shall be subject to the same obligations and limitations, and to the commissioner's supervision as though resident or domiciled in this state, subject to RCW 48.14.040.

(3) No such person shall be so licensed unless he or she files the power of attorney provided for in RCW 48.17.340, and, if a corporation, it must have complied with the laws of this state governing the admission of foreign corporations.

[2001 c 56 § 2; 1973 1st ex.s. c 107 § 1; 1955 c 303 § 28; 1947 c 79 § .17.33; Rem. Supp. 1947 § 45.17.33.]

NOTES:

Severability--1973 1st ex.s. c 107: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 107 § 5.]

RCW 48.17.340 Service of process against nonresident agent or broker.

(1) Each licensed nonresident agent or broker shall appoint the commissioner as his attorney to receive service of legal process issued against the agent or broker in this state upon causes of action arising within this state. Service upon the commissioner as attorney shall constitute effective legal service upon the agent or broker.

(2) The appointment shall be irrevocable for as long as there could be any cause of action against the agent or broker arising out of his insurance transactions in this state.

(3) Duplicate copies of such legal process against such agent or broker shall be served upon the commissioner either by a person competent to serve a summons, or through registered mail. At the time of such service the plaintiff shall pay to the commissioner ten dollars, taxable as costs in the action.

(4) Upon receiving such service, the commissioner shall forthwith send one of the copies of the process, by registered mail with return receipt requested, to the defendant agent or broker at his last address of record with the commissioner.

(5) The commissioner shall keep a record of the day and hour of service upon him of all such legal process. No proceedings shall be had against the defendant agent or broker, and such defendant shall not be required to appear, plead, or answer until the expiration of forty days after the date of service upon the commissioner.

[1981 c 339 § 14; 1947 c 79 § .17.34; Rem. Supp. 1947 § 45.17.34.]

RCW 48.17.380 Adjusters--Qualifications for license.

The commissioner shall license as an adjuster only an individual, firm, or corporation which has otherwise complied with this code therefor and the individual or responsible officer of the firm or corporation has furnished evidence satisfactory to the commissioner that he is qualified as follows:

(1) Is eighteen or more years of age.

(2) Is a bona fide resident of this state, or is a resident of a state which will permit residents of this state to act as adjusters in such other state.

(3) Is a trustworthy person.

(4) Has had experience or special education or training with reference to the handling of loss claims under insurance contracts, of sufficient duration and extent reasonably to make him competent to fulfill the responsibilities of an adjuster.

(5) Has successfully passed any examination as required under this chapter.

(6) If for a public adjuster's license, has filed the bond required by RCW 48.17.430.

[1981 c 339 § 15; 1971 ex.s. c 292 § 48; 1947 c 79 § .17.38; Rem. Supp. 1947 § 45.17.38.]

Notes:

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 48.17.390 Adjusters--Separate licenses.

The commissioner may license an individual, firm, or corporation as an independent adjuster or as a public adjuster, and separate licenses shall be required for each type of adjuster. An individual, firm, or corporation may be concurrently licensed under separate licenses as an independent adjuster and as a public adjuster. The full license fee shall be paid for each such license.

[1981 c 339 § 16; 1947 c 79 § .17.39; Rem. Supp. 1947 § 45.17.39.]

RCW 48.17.410 Authority of adjuster.

An adjuster shall have authority under his license only to investigate or report to his principal upon claims as limited under RCW 48.17.050 on behalf only of the insurers if licensed as an independent adjuster, or on behalf only of insureds if licensed as a public adjuster. An adjuster licensed concurrently as both an independent and a public adjuster shall not represent both the insurer and the insured in the same transaction.

[1947 c 79 § .17.41; Rem. Supp. 1947 § 45.17.41.]

RCW 48.17.420 Agent may adjust--Nonresident adjusters.

(1) On behalf of and as authorized by an insurer for which he is licensed as agent, an agent may from time to time act as an adjuster and investigate and report upon claims without being required to be licensed as an adjuster.

(2) No license by this state shall be required of a nonresident independent adjuster, for the adjustment in this state of a single loss, or of losses arising out of a catastrophe common to all such losses.

[1947 c 79 § .17.42; Rem. Supp. 1947 § 45.17.42.]

RCW 48.17.430 Public adjuster's bond.

(1) Prior to the issuance of a license as public adjuster, the applicant therefor shall file with the commissioner and shall thereafter maintain in force while so licensed a surety bond in favor of the people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of five thousand dollars. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the payment of five thousand dollars. The bond shall be contingent on the accounting by the adjuster to any insured whose claim he is handling, for moneys or any settlement received in connection therewith.

(2) Any such bond shall remain in force until the surety is released from liability by the commissioner, or until canceled by the surety. Without prejudice to any liability accrued prior to cancellation, the surety may cancel a bond upon thirty days advance notice in writing filed with the commissioner.

(3) Such bond shall be required of any adjuster acting as a public adjuster as of the

effective date of this code, or thereafter under any unexpired license heretofore issued.

[1977 ex.s. c 182 § 5; 1947 c 79 § .17.43; Rem. Supp. 1947 § 45.17.43.]

RCW 48.17.450 Place of business.

(1) Every licensed agent, broker, and adjuster, other than an agent licensed for life or disability insurances only, shall have and maintain in this state, or, if a nonresident agent or nonresident broker, in this state or in the state of the licensee's domicile, a place of business accessible to the public. Such place of business shall be that wherein the agent or broker principally conducts transactions under that person's licenses. The address of the licensee's place of business shall appear on all of that person's licenses, and the licensee shall promptly notify the commissioner of any change thereof. A licensee maintaining more than one place of business in this state shall obtain a duplicate license or licenses for each additional such place, and shall pay the full fee therefor.

(2) Any notice, order, or written communication from the commissioner to a person licensed under this chapter which directly affects the person's license shall be sent by mail to the person's last residential address, if an individual, and to the person's last business address, if licensed as a firm or corporation, as such address is shown in the commissioner's licensing records. A licensee shall promptly notify the commissioner of any change of residential or business address.

[1990 1st ex.s. c 3 § 5; 1988 c 248 § 11; 1953 c 197 § 6; 1947 c 79 § .17.45; Rem. Supp. 1947 § 45.17.45.]

RCW 48.17.460 Display of license.

(1) The license or licenses of each agent, other than licenses as to life or disability insurances only, or of each broker or adjuster shall be displayed in a conspicuous place in that part of his place of business which is customarily open to the public.

(2) The license of a solicitor shall be so displayed in the place of business of the agent or broker by whom he is employed.

[1947 c 79 § .17.46; Rem. Supp. 1947 § 45.17.46.]

RCW 48.17.470 Records of agents, brokers, adjusters.

(1) Every agent, or broker, or adjuster shall keep at his address as shown on his license, a record of all transactions consummated under his license. This record shall be in organized form and shall include:

(a) If an agent or broker,

(i) a record of each insurance contract procured, issued, or countersigned, together with the names of the insurers and insureds, the amount of premium paid or to be paid, and a statement of the subject of the insurance;

(ii) the names of any other licensees from whom business is accepted, and of persons to

whom commissions or allowances of any kind are promised or paid.

(b) If an adjuster, a record of each investigation or adjustment undertaken or consummated, and a statement of any fee, commission, or other compensation received or to be received by the adjuster on account of such investigation or adjustment.

(c) Such other and additional information as shall be customary, or as may reasonably be required by the commissioner.

(2) All such records as to any particular transaction shall be kept available and open to the inspection of the commissioner at any business time during the five years immediately after the date of the completion of such transaction.

(3) This section shall not apply as to life or disability insurances.

[1947 c 79 § .17.47; Rem. Supp. 1947 § 45.17.47.]

RCW 48.17.475 Licensee to reply promptly to inquiry by commissioner.

Every insurance agent, broker, adjuster, or other person licensed under this chapter shall promptly reply in writing to an inquiry of the commissioner relative to the business of insurance.

[1967 c 150 § 13.]

RCW 48.17.480 Reporting and accounting for premiums.

(1) An agent or any other representative of an insurer involved in the procuring or issuance of an insurance contract shall report to the insurer the exact amount of consideration charged as premium for such contract, and such amount shall likewise be shown in the contract and in the records of the agent. Each wilful violation of this provision shall constitute a misdemeanor.

(2) All funds representing premiums or return premiums received by an agent, solicitor or broker, shall be so received in his or her fiduciary capacity, and shall be promptly accounted for and paid to the insured, insurer, or agent as entitled thereto.

(3) Any person licensed under this chapter who receives funds which belong to or should be paid to another person as a result of or in connection with an insurance transaction is deemed to have received the funds in a fiduciary capacity. The licensee shall promptly account for and pay the funds to the person entitled to the funds.

(4) Any agent, solicitor, broker, adjuster or other person licensed under this chapter who, not being lawfully entitled thereto, diverts or appropriates funds received in a fiduciary capacity or any portion thereof to his or her own use, shall be guilty of larceny by embezzlement, and shall be punished as provided in the criminal statutes of this state.

[1988 c 248 § 12; 1947 c 79 § .17.48; Rem. Supp. 1947 § 45.17.48.]

RCW 48.17.490 Sharing commissions.

(1) No agent, general agent, solicitor, or broker shall compensate or offer to compensate

in any manner any person other than an agent, general agent, solicitor, or broker, licensed in this or any other state or province, for procuring or in any manner helping to procure applications for or to place insurance in this state. This provision shall not prohibit the payment of compensation not contingent upon volume of business transacted, in the form of salaries to the regular employees of such agent, general agent, solicitor or broker, or the payment for services furnished by an unlicensed person who does not participate in the transaction of insurance in any way requiring licensing as an agent, solicitor, broker, or adjuster and who is not compensated on any basis dependent upon a sale of insurance being made.

(2) No such licensee shall be promised or allowed any compensation on account of the procuring of applications for or the placing of kinds of insurance which he himself is not then licensed to procure or place.

(3) The commissioner shall suspend or revoke the licenses of all licensees participating in any violation of this section.

[1988 c 248 § 13; 1947 c 79 § .17.49; Rem. Supp. 1947 § 45.17.49.]

RCW 48.17.500 Expiration and renewal of licenses.

(1) All agents' licenses issued by the commissioner shall be valid for the time period established by the commissioner unless:

- (a) Suspended or revoked; or
- (b) The licensee ceases to hold a valid appointment by an insurer.

(2) All brokers', solicitors', and adjusters' licenses shall be valid for the time period established by the commissioner unless suspended or revoked at an earlier date.

(3) The commissioner, by rule, shall determine renewal dates for licenses of all agents, brokers, solicitors, and adjusters. If a staggered system is used, fees shall be prorated in the conversion to a staggered system.

(4) Subject to the right of the commissioner to suspend, revoke, or refuse to renew any agent's, broker's, solicitor's, or adjuster's license as provided in this code, any such license may be renewed into another like period by filing with the commissioner on or before the expiration date a written request, by or on behalf of the licensee, for such renewal accompanied by payment of the renewal fee as specified in RCW 48.14.010. An agent or broker shall make and file renewal requests on behalf of his solicitors.

If the request and fee for renewal of an agent's, broker's, solicitor's, or adjuster's license is filed with the commissioner prior to expiration of the existing license, the licensee may continue to act under such license, unless sooner revoked or suspended, until the issuance of a renewal license or until the expiration of fifteen days after the commissioner has refused to renew the license and has mailed order of such refusal to the licensee. Any request for renewal not so filed until after date of expiration may be considered by the commissioner as an application for a new license.

(5) As to all licenses, if request for renewal of an agent's license or appointment or broker's, solicitor's, or adjuster's license or payment of the fee is not received by the commissioner prior to the expiration date as required under subsection (4) of this section, the

insurer or applicant for renewal shall pay to the commissioner and the commissioner shall collect, in addition to the regular fee, a surcharge as follows: For the first thirty days or part thereof of delinquency the surcharge shall be fifty percent of the fee; for all delinquencies extending more than thirty days, the surcharge shall be one hundred percent of the fee. This subsection shall not be deemed to exempt any person from any penalty provided by law for transacting business without a valid and subsisting license or appointment, or affect the commissioner's right, at his discretion, to consider such delinquent application as one for a new license or appointment.

[1979 ex.s. c 269 § 6; 1977 ex.s. c 182 § 6; 1965 ex.s. c 70 § 20; 1957 c 193 § 9; 1953 c 197 § 7; 1947 c 79 § .17.50; Rem. Supp. 1947 § 45.17.50.]

Notes:

Effective date, implementation--1979 ex.s. c 269: See note following RCW 48.14.010.

RCW 48.17.510 Temporary licenses.

(1) The commissioner may issue an agent's or broker's temporary license in the following circumstances:

(a) To the surviving spouse or next of kin or to the administrator or executor, or the employee of the administrator or executor, of a licensed agent or broker becoming deceased.

(b) To the spouse, next of kin, employee, or legal guardian of a licensed agent or broker becoming disabled because of sickness, insanity, or injury.

(c) To a surviving member of a firm or surviving officer or employee of a corporation licensed as agent or broker upon the death of an individual designated in the firm or corporation's license to exercise powers thereunder.

(2) An individual to be eligible for any such temporary license must be qualified as for a permanent license except as to experience, training, or the taking of any examination.

(3) Any fee paid to the commissioner for issuance of a temporary license as specified in RCW 48.14.010 shall be credited toward the fee required for a permanent license which is issued to replace the temporary license prior to the expiration of such temporary license.

[1982 c 181 § 7; 1955 c 303 § 15; 1953 c 197 § 8; 1947 c 79 § .17.51; Rem. Supp. 1947 § 45.17.51.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.17.520 Temporary licenses--Duration--Limitations.

(1) No such temporary license shall be effective for more than ninety days in any twelve month period, subject to extension for an additional period of not more than ninety days at the commissioner's discretion and for good cause shown. The commissioner may refuse so to license again any person who has previously been so licensed.

(2) An individual requesting temporary agent's license on account of death or disability of an agent, shall not be so licensed for any insurer as to which such agent was not licensed at the time of death or commencement of disability.

[1985 c 264 § 8; 1953 c 197 § 9; 1947 c 79 § .17.52; Rem. Supp. 1947 § 47.17.52.]

RCW 48.17.530 Refusal, suspension, revocation of licenses.

(1) The commissioner may suspend, revoke, or refuse to issue or renew any license which is issued or may be issued under this chapter or any surplus line broker's license for any cause specified in any other provision of this code, or for any of the following causes:

(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner.

(b) If the licensee or applicant wilfully violates or knowingly participates in the violation of any provision of this code or any proper order or regulation of the commissioner.

(c) If the licensee or applicant has obtained or attempted to obtain any such license through wilful misrepresentation or fraud, or has failed to pass any examination required under this chapter.

(d) If the licensee or applicant has misappropriated or converted to his own use or has illegally withheld moneys required to be held in a fiduciary capacity.

(e) If the licensee or applicant has, with intent to deceive, materially misrepresented the terms or effect of any insurance contract; or has engaged or is about to engage in any fraudulent transaction.

(f) If the licensee or applicant has been guilty of "twisting," as defined in RCW 48.30.180, or of rebating, as defined in chapter 48.30 RCW.

(g) If the licensee or applicant has been convicted, by final judgment, of a felony.

(h) If the licensee or applicant has shown himself to be, and is so deemed by the commissioner, incompetent, or untrustworthy, or a source of injury and loss to the public.

(i) If the licensee has dealt with, or attempted to deal with, insurances, or to exercise powers relative to insurance outside the scope of his licenses.

(2) If any natural person named under a firm or corporate license, or application therefor, commits or has committed any act or fails or has failed to perform any duty which is a ground for the commissioner to revoke, suspend or refuse to issue or renew the license or application for license, the commissioner may revoke, suspend, refuse to renew, or refuse to issue:

(a) The license, or application therefor, of the corporation or firm; or

(b) The right of the natural person to act thereunder; or

(c) Any other license held or applied for by the natural person; or

(d) He may take all such steps.

(3) Any conduct of an applicant or licensee which constitutes ground for disciplinary action under this code shall be deemed such ground notwithstanding that such conduct took place in another state.

(4) The holder of any license which has been revoked or suspended shall surrender the license certificate to the commissioner at the commissioner's request.

[1973 1st ex.s. c 152 § 2; 1969 ex.s. c 241 § 11; 1967 c 150 § 23; 1947 c 79 § .17.53; Rem. Supp. 1947 § 45.17.53.]

Notes:

Severability--1973 1st ex.s. c 152: See note following RCW 48.05.140.

RCW 48.17.535 License or certificate suspension--Noncompliance with support order--Reissuance.

The commissioner shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the commissioner's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

[1997 c 58 § 857.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 48.17.540 Procedure to suspend, revoke, or refuse--Effect of conviction of felony.

(1) The commissioner may revoke or refuse to renew any license issued under this chapter, or any surplus line broker's license, immediately and without hearing, upon sentencing of the licensee for conviction of a felony by final judgment of any court of competent jurisdiction, if the facts giving rise to such conviction demonstrate the licensee to be untrustworthy to maintain any such license.

(2) The commissioner may suspend, revoke, or refuse to renew any such license:

(a) By an order served by mail or personal service upon the licensee not less than fifteen days prior to the effective date thereof, subject to the right of the licensee to have a hearing as provided in RCW 48.04.010; or

(b) By an order on hearing made as provided in chapter 34.05 RCW, the Administrative Procedure Act, effective not less than ten days after the date of the service of the order, subject to the right of the licensee to appeal to the superior court.

(3) The commissioner may temporarily suspend such license by an order served by mail or by personal service upon the licensee not less than three days prior to the effective date thereof, provided the order contains a notice of revocation and includes a finding that the public safety or welfare imperatively requires emergency action. Such suspension shall continue only until proceedings for revocation are concluded. The commissioner also may temporarily suspend such license in cases where proceedings for revocation are pending if he or she finds that the public safety or welfare imperatively requires emergency action.

(4) Service by mail under this section shall mean posting in the United States mail, addressed to the licensee at the most recent address shown in the commissioner's licensing records for the licensee. Service by mail is complete upon deposit in the United States mail.

[1990 1st ex.s. c 3 § 6; 1989 c 175 § 113; 1988 c 248 § 14; 1982 c 181 § 8; 1973 1st ex.s. c 107 § 2; 1967 c 150 § 24; 1947 c 79 § .17.54; Rem. Supp. 1947 § 45.17.54.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Severability--1982 c 181: See note following RCW 48.03.010.

Severability--1973 1st ex.s. c 107: See note following RCW 48.17.330.

RCW 48.17.550 Duration of suspension.

Every order suspending any such license shall specify the period during which suspension will be effective, and which period shall in no event exceed twelve months.

[1947 c 79 § .17.55; Rem. Supp. 1947 § 45.17.55.]

RCW 48.17.560 Fines may be imposed.

After hearing or upon stipulation by the licensee or insurance education provider, and in addition to or in lieu of the suspension, revocation, or refusal to renew any such license or insurance education provider approval, the commissioner may levy a fine upon the licensee or insurance education provider. (1) For each offense the fine shall be an amount not more than one thousand dollars. (2) The order levying such fine shall specify that the fine shall be fully paid not less than fifteen nor more than thirty days from the date of the order. (3) Upon failure to pay any such fine when due, the commissioner shall revoke the licenses of the licensee or the approval(s) of the insurance education provider, if not already revoked. The fine shall be recovered in a civil action brought on behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

[1989 c 323 § 3; 1975 1st ex.s. c 266 § 8; 1967 c 150 § 25; 1947 c 79 § .17.56; Rem. Supp. 1947 § 45.17.56.]

Notes:

Effective date--1989 c 323: See note following RCW 48.17.055.

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.17.563 Insurance education providers--Commissioner's approval--Renewal fee.

(1) The commissioner may require insurance education providers to furnish specific information regarding their curricula, faculty, methods of monitoring attendance, and other matters reasonably related to providing insurance education under this chapter. The commissioner may grant approvals to such providers who demonstrate the ability to conduct and certify completion of one or more courses satisfying the insurance education requirements of

RCW 48.17.150.

(2) Provider and course approvals are valid for the time period established by the commissioner and shall expire if not timely renewed. Each provider shall pay the renewal fee set forth in RCW 48.14.010(1)(n).

(3) In granting approvals for courses required by RCW 48.17.150(1)(d):

(a) The commissioner may require the availability of a licensed agent with appropriate experience on the premises whenever instruction is being offered; and

(b) The commissioner shall not deny approval to any provider on the grounds that the proposed method of education employs nontraditional teaching techniques, such as substituting taped lectures for live instruction, offering instruction without fixed schedules, or providing education at individual learning rates.

[1994 c 131 § 6; 1989 c 323 § 7.]

Notes:

Effective date--1989 c 323: See note following RCW 48.17.055.

RCW 48.17.565 Insurance education providers--Violations--Costs awarded.

If an investigation of any provider culminates in a finding by the commissioner or by any court of competent jurisdiction, that the provider has failed to comply with or has violated any statute or regulation pertaining to insurance education, the provider shall pay the expenses reasonably attributable and allocable to such investigation.

(1) The commissioner shall calculate such expenses and render a bill therefor by registered mail to the provider. Within thirty days after receipt of such bill, the provider shall pay the full amount to the commissioner. The commissioner shall transmit such payment to the state treasurer. The state treasurer shall credit the payment to the office of the insurance commissioner regulatory account, treating such payment as recovery of a prior expenditure.

(2) In any action brought under this section, if the insurance commissioner prevails, the court may award to the office of the insurance commissioner all costs of the action, including a reasonable attorneys' fee to be fixed by the court.

[1989 c 323 § 4.]

Notes:

Effective date--1989 c 323: See note following RCW 48.17.055.

RCW 48.17.568 Insurance education providers--Bond.

In addition to the regulatory requirements imposed pursuant to RCW 48.17.150, the commissioner may require each insurance education provider to post a bond, cash deposit, or irrevocable letter of credit. Every insurance education provider, other than an insurer, health care service contractor, health maintenance organization, or educational institution established by Washington statutes, is subject to the requirement.

(1) The provider shall file with each request for course approval and shall maintain in force while so approved, the bond, cash deposit, or irrevocable letter of credit in favor of the state of Washington, according to criteria which the commissioner shall establish by regulation.

The amount of such bond, cash deposit, or irrevocable letter of credit, shall not exceed five thousand dollars for the provider's first approved course and one thousand dollars for each additional approved course.

(2) Proceeds from the bond, cash deposit, or irrevocable letter of credit shall inure to the commissioner for payment of investigation expenses or for payment of any fine ordered per Washington statutes or regulations governing insurance education: PROVIDED, That recoverable investigation expenses or fines shall not be limited to the amount of such required bond, cash deposit, or irrevocable letter of credit.

[1989 c 323 § 5.]

Notes:

Effective date--1989 c 323: See note following RCW 48.17.055.

RCW 48.17.591 Termination of agency contract--Effect on insured.

(1) No insurer authorized to do business in this state may cancel or refuse to renew any policy because that insurer's contract with the independent agent through whom such policy is written has been terminated by the insurer, the agent, or by mutual agreement.

(2) If an insurer intends to terminate a written agency contract with an independent agent, the insurer shall give the agent not less than one hundred twenty days' advance written notice of the intent, unless the termination is based upon the agent's abandonment of the agency, the agent's gross and willful misconduct, the agent's loss of license by order of the insurance commissioner, the agent's sale of, or material change of ownership in, the agency, the agent's fraud or material misrepresentation relative to the business of insurance, or the agent's default in payments due the insurer under the terms of the agreement. During the notice period the insurer shall not amend the existing contract without the consent of the agent.

(a) Unless the agency contract provides otherwise, during the one hundred twenty day notice period the independent agent shall not write or bind any new business on behalf of the terminating insurer without specific written approval. However, routine adjustments by insureds are permitted. The terminating insurer shall permit renewal of all its policies in the agent's book of business for a period of one year following the effective date of the termination, to the extent the policies meet the insurer's underwriting standards and the insurer has no other reason for nonrenewal. The rate of commission for any policies renewed under this provision shall be the same as the agent would have received had the agency agreement not been terminated.

(b) An independent agent whose agency contract has been terminated shall have a reasonable opportunity to transfer affected policies to other insurers with which the agent has an appointment: PROVIDED, HOWEVER, That prior to the conclusion of the one-year renewal period following the effective date of the termination, an insurer without a reason for not renewing an insured's policy and which has not received notification of the placement of such policy with another insurer shall provide its insured with appropriate written notice of an offer to continue the policy. In such cases, except where the terminated agent has placed the policy with another agent of the insurer, the insurer shall, where practical, assign the policy to an appointed agent located reasonably near the insured willing to accept the assignment.

(c) An insurer is not required to continue the appointment of a terminated independent agent during or after the one year renewal period. However, an agent whose contract has been terminated by the insurer remains an agent of the terminating insurer as to actions associated with the policies subject to this section just as if he or she were appointed by the insurer as its agent.

(3) In the absence of receipt of notice from the insured that coverage will not be continued with the existing insurer, an insurer whose agency contract has been terminated by an independent agent, or by the mutual agreement of the insurer and the agent, that elects to renew or lacks a reason not to renew, shall give the renewal notice required by chapter 48.18 RCW to affected insureds, and continue renewed coverage in accordance with the methods specified in subsection (2)(b) of this section. Agents affected by this subsection may provide the notice to an insurer that an insured does not intend to continue existing coverage with the insurer, after receiving written authority to do so from an insured.

(4) For purposes of this section an "independent agent" is a licensed insurance agent representing an insurer on an independent contractor basis and not as an employee. This term includes only those agents not obligated by contract to place insurance accounts with a particular insurer or group of insurers.

(5) This section does not apply to (a) agents or policies of an insurer or group of insurers if the business is not owned by the agent and the termination of any such contractual agreement does not result in the cancellation or nonrenewal of any policies of insurance; (b) general agents, to the extent that they are acting in that capacity; (c) life, disability, surety, ocean marine and foreign trade, and title insurance policies; (d) situations where the termination of the agency contract results from the insolvency or liquidation of the terminating insurer.

(6) No insurer may terminate its agency contract with an appointed agent unless it complies with this section.

(7) Nothing contained in this section excuses an insurer from giving cancellation and renewal notices that may be required by chapter 48.18 RCW.

[1990 c 121 § 1. Formerly RCW 48.18.285.]

Notes:

Reviser's note: Previously codified as RCW 48.18.285. Recodified to reflect legislative directive under 1990 c 121.

RCW 48.17.600 Separation of premium funds.

(1) All funds representing premiums or return premiums received by an agent, solicitor or broker in his or her fiduciary capacity shall be accounted for and maintained in a separate account from all other business and personal funds.

(2) An agent, solicitor or broker shall not commingle or otherwise combine premiums with any other moneys, except as provided in subsection (3) of this section.

(3) An agent, solicitor or broker may commingle with premium funds any additional funds as he or she may deem prudent for the purpose of advancing premiums, establishing reserves for the paying of return premiums, or for any contingencies as may arise in his or her

business of receiving and transmitting premium or return premium funds.

(4) Each willful violation of this section shall constitute a misdemeanor.

(5) This section shall not apply to agents for title insurance companies or insurance brokers whose average daily balance for premiums received on behalf of insureds in the state of Washington equals or exceeds one million dollars.

[1988 c 248 § 15; 1986 c 69 § 1.]

Notes:

Effective date--1986 c 69: "This act shall take effect on January 1, 1987." [1986 c 69 § 2.]

Chapter 48.18 RCW
THE INSURANCE CONTRACT

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- 48.18.450 Life insurance payable to trustee named as beneficiary in the policy.
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- 48.18.460 Proof of loss--Furnishing forms--May require oath.
- 48.18.470 Claims administration--Not waiver.
- 48.18.480 Discrimination prohibited.
- 48.18.510 Validity of noncomplying forms.
- 48.18.520 Construction of policies.
- 48.18.540 Cancellations, denials, refusals to renew--Written notification.
- 48.18.550 Victims of domestic abuse--Prohibition on certain cancellations, denials, refusals to renew, and different rates--Domestic abuse defined.
- 48.18.560 Year 2000 failure--Reinstating insurance policy under certain circumstances.

Notes:

Exemptions of proceeds of insurance on exempt property: RCW 6.15.030.

False claims or proof: RCW 48.30.230.

Misrepresentation in application: RCW 48.30.210.

RCW 48.18.010 Scope of chapter.

The applicable provisions of this chapter shall apply to insurances other than ocean marine and foreign trade insurances. This chapter shall not apply to life or disability insurance policies not issued for delivery in this state nor delivered in this state.

[1947 c 79 § .18.01; Rem. Supp. 1947 § 45.18.01.]

RCW 48.18.020 Power to contract.

(1) Any person eighteen years or older shall be considered of full legal age and may contract for or with respect to insurance. Any person seventeen years or younger shall be considered a minor for purposes of Title 48 RCW.

(2) A minor not less than fifteen years of age as at nearest birthday may, notwithstanding such minority, contract for life or disability insurance on his own life or body, for his own benefit or for the benefit of his father, mother, spouse, child, brother, sister, or grandparent, and may exercise all rights and powers with respect to or under the contract as though of full legal age, and may surrender his interest therein and give a valid discharge for any benefit accruing or money payable thereunder. The minor shall not, by reason of his minority, be entitled to rescind, avoid, or repudiate the contract, or any exercise of a right or privilege thereunder, except, that such minor, not otherwise emancipated, shall not be bound by any unperformed agreement to pay, by promissory note or otherwise any premium on any such insurance contract.

[1973 1st ex.s. c 163 § 2; 1970 ex.s. c 17 § 4; 1947 c 79 § .18.02; Rem. Supp. 1947 § 45.18.02.]

RCW 48.18.030 Insurable interest--Personal insurances--Nonprofit organizations.

(1) Any individual of competent legal capacity may procure or effect an insurance contract upon his own life or body for the benefit of any person. But no person shall procure or cause to be procured any insurance contract upon the life or body of another individual unless the benefits under such contract are payable to the individual insured or his personal representatives, or to a person having, at the time when such contract was made, an insurable interest in the individual insured.

(2) If the beneficiary, assignee or other payee under any contract made in violation of this section receives from the insurer any benefits thereunder accruing upon the death, disablement or injury of the individual insured, the individual insured or his executor or administrator, as the case may be, may maintain an action to recover such benefits from the person so receiving them.

(3) "Insurable interest" as used in this section and in RCW 48.18.060 includes only interests as follows:

(a) In the case of individuals related closely by blood or by law, a substantial interest engendered by love and affection; and

(b) In the case of other persons, a lawful and substantial economic interest in having the life, health or bodily safety of the individual insured continue, as distinguished from an interest which would arise only by, or would be enhanced in value by, the death, disablement or injury of the individual insured.

(c) An individual heretofore or hereafter party to a contract or option for the purchase or sale of an interest in a business partnership or firm, or of shares of stock of a close corporation or of an interest in such shares, has an insurable interest in the life of each individual party to such contract and for the purposes of such contract only, in addition to any insurable interest which may otherwise exist as to the life of such individual.

(d) A guardian, trustee or other fiduciary has an insurable interest in the life of any person for whose benefit the fiduciary holds property, and in the life of any other individual in whose life such person has an insurable interest.

(e) Subject to rules adopted under subsection (4) of this section, upon joint application with a nonprofit organization for, or transfer to a nonprofit organization of, an insurance policy on the life of a person naming the organization as owner and beneficiary, a nonprofit organization's interest in the life of a person if:

(i) The nonprofit organization was established exclusively for religious, charitable, scientific, literary, or educational purposes, or to promote amateur athletic competition, to conduct testing for public safety, or to prevent cruelty to children or animals; and

(ii) The nonprofit organization:

(A) Has existed for a minimum of five years; or

(B) Has been issued a certificate of exemption to conduct a charitable gift annuity business under RCW 48.38.010, or is authorized to conduct a charitable gift annuity business under RCW 28B.10.485; or

(C) Has been organized, and at all times has been operated, exclusively for benefit of, to perform the functions of, or to carry out the purposes of one or more nonprofit organizations described in (e)(ii)(A) or (B) of this subsection and is operated, supervised, or controlled by or in connection with one or more such nonprofit organizations; and

(iii) For a joint application, the person is not an employee, officer, or director of the organization who receives significant compensation from the organization and who became affiliated with the organization in that capacity less than one year before the joint application.

(4) The commissioner may adopt rules governing joint applications for, and transfers of, life insurance under subsection (3)(e) of this section. The rules may include:

(a) Standards for full and fair disclosure that set forth the manner, content, and required disclosure for the sale of life insurance issued under subsection (3)(e) of this section; and

(b) For joint applications, a grace period of thirty days during which the insured person may direct the nonprofit organization to return the policy and the insurer to refund any premium paid to the party that, directly or indirectly, paid the premium; and

(c) Standards for granting an exemption from the five-year existence requirement of subsection (3)(e)(ii)(A) of this section to a private foundation that files with the insurance commissioner documents, stipulations, and information as the insurance commissioner may require to carry out the purpose of subsection (3)(e) of this section.

(5) Nothing in this section permits the personal representative of the insured's estate to recover the proceeds of a policy on the life of a deceased insured person that was applied for jointly by, or transferred to, an organization covered by subsection (3)(e) of this section, where the organization was named owner and beneficiary of the policy.

This subsection applies to all life insurance policies applied for by, or transferred to, an organization covered by subsection (3)(e) of this section, regardless of the time of application or transfer and regardless of whether the organization would have been covered at the time of application or transfer.

[1992 c 51 § 1; 1973 1st ex.s. c 89 § 3; 1947 c 79 § .18.03; Rem. Supp. 1947 § 45.18.03.]

Notes:

Use of trust funds by fiduciaries for life insurance: RCW 11.110.120.

RCW 48.18.040 Insurable interest--Property insurances.

(1) No contract of insurance on property or of any interest therein or arising therefrom shall be enforceable except for the benefit of persons having an insurable interest in the things insured.

(2) "Insurable interest" as used in this section means any lawful and substantial economic interest in the safety or preservation of the subject of the insurance free from loss, destruction, or pecuniary damage.

[1947 c 79 § .18.04; Rem. Supp. 1947 § 45.18.04.]

RCW 48.18.050 Named insured--Interest insured.

When the name of a person intended to be insured is specified in the policy, such insurance can be applied only to his own proper interest. This section shall not apply to life and disability insurances.

[1947 c 79 § .18.05; Rem. Supp. 1947 § 45.18.05.]

RCW 48.18.060 Application--When required.

No life or disability insurance contract upon an individual, except a contract of group life insurance or of group or blanket disability insurance as defined in this code, shall be made or effectuated unless at the time of the making of the contract the individual insured, being of competent legal capacity to contract, in writing applies therefor or consents thereto, except in the following cases:

(1) A spouse may effectuate such insurance upon the other spouse.

(2) Any person having an insurable interest in the life of a minor, or any person upon whom a minor is dependent for support and maintenance, may effectuate insurance upon the life of the minor.

[1947 c 79 § .18.06; Rem. Supp. 1947 § 45.18.06.]

RCW 48.18.070 Alteration of application.

(1) Any application for insurance in writing by the applicant shall be altered solely by the applicant or by his written consent, except that insertions may be made by the insurer for administrative purposes only in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant. Violation of this provision shall be a misdemeanor.

(2) Any insurer issuing an insurance contract upon such an application unlawfully altered

by its officer, employee, or agent shall not have available in any action arising out of such contract, any defense which is based upon the fact of such alteration, or as to any item in the application which was so altered.

[1947 c 79 § .18.07; Rem. Supp. 1947 § 45.18.07.]

RCW 48.18.080 Application as evidence.

(1) No application for the issuance of any insurance policy or contract shall be admissible in evidence in any action relative to such policy or contract, unless a true copy of the application was attached to or otherwise made a part of the policy when issued and delivered. This provision shall not apply to policies or contracts of industrial life insurance.

(2) If any policy of life or disability insurance delivered in this state is reinstated or renewed, and the insured or the beneficiary or assignee of the policy makes written request to the insurer for a copy of the application, if any, for such reinstatement or renewal, the insurer shall, within fifteen days after receipt of such request at its home office or at any of its branch offices, deliver or mail to the person making such request, a copy of such application. If such copy is not so delivered or mailed, the insurer shall be precluded from introducing the application as evidence in any action or proceeding based upon or involving the policy or its reinstatement or renewal.

[1947 c 79 § .18.08; Rem. Supp. 1947 § 45.18.08.]

RCW 48.18.090 Warranties and misrepresentations, effect of.

(1) Except as provided in subsection (2) of this section, no oral or written misrepresentation or warranty made in the negotiation of an insurance contract, by the insured or in his behalf, shall be deemed material or defeat or avoid the contract or prevent it attaching, unless the misrepresentation or warranty is made with the intent to deceive.

(2) In any application for life or disability insurance made in writing by the insured, all statements therein made by the insured shall, in the absence of fraud, be deemed representations and not warranties. The falsity of any such statement shall not bar the right to recovery under the contract unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer.

[1947 c 79 § .18.09; Rem. Supp. 1947 § 45.18.09.]

RCW 48.18.100 Forms of policies--Filing, certification, and approval.

(1) No insurance policy form other than surety bond forms, forms exempt under RCW 48.18.103, or application form where written application is required and is to be attached to the policy, or printed life or disability rider or endorsement form shall be issued, delivered, or used unless it has been filed with and approved by the commissioner. This section shall not apply to policies, riders or endorsements of unique character designed for and used with relation to

insurance upon a particular subject.

(2) Every such filing containing a certification, in a form approved by the commissioner, by either the chief executive officer of the insurer or by an actuary who is a member of the American academy of actuaries, attesting that the filing complies with Title 48 RCW and Title 284 of the Washington Administrative Code, may be used by such insurer immediately after filing with the commissioner. The commissioner may order an insurer to cease using a certified form upon the grounds set forth in RCW 48.18.110. This subsection shall not apply to certain types of policy forms designated by the commissioner by rule.

(3) Except as provided in RCW 48.18.103, every filing that does not contain a certification pursuant to subsection (2) of this section shall be made not less than thirty days in advance of any such issuance, delivery, or use. At the expiration of such thirty days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner. The commissioner may extend by not more than an additional fifteen days the period within which he or she may so affirmatively approve or disapprove any such form, by giving notice of such extension before expiration of the initial thirty-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such form shall be deemed approved. The commissioner may withdraw any such approval at any time for cause. By approval of any such form for immediate use, the commissioner may waive any unexpired portion of such initial thirty-day waiting period.

(4) The commissioner's order disapproving any such form or withdrawing a previous approval shall state the grounds therefor.

(5) No such form shall knowingly be so issued or delivered as to which the commissioner's approval does not then exist.

(6) The commissioner may, by order, exempt from the requirements of this section for so long as he or she deems proper, any insurance document or form or type thereof as specified in such order, to which in his or her opinion this section may not practicably be applied, or the filing and approval of which are, in his or her opinion, not desirable or necessary for the protection of the public.

(7) Every member or subscriber to a rating organization shall adhere to the form filings made on its behalf by the organization. Deviations from such organization are permitted only when filed with the commissioner in accordance with this chapter.

[1997 c 428 § 3; 1989 c 25 § 1; 1982 c 181 § 16; 1947 c 79 § .18.10; Rem. Supp. 1947 § 45.18.10.]

Notes:

Effective date--1989 c 25: "This act shall take effect on September 1, 1989." [1989 c 25 § 10.]

Severability--1982 c 181: See note following RCW 48.03.010.

Format of disability policies: RCW 48.20.012.

RCW 48.18.103 Forms of commercial property casualty policies--Legislative intent--Issuance prior to filing--Disapproval by commissioner--Definition.

(1) It is the intent of the legislature to assist the purchasers of commercial property

casualty insurance by allowing policies to be issued more expeditiously and provide a more competitive market for forms.

(2) Commercial property casualty policies may be issued prior to filing the forms. All commercial property casualty forms shall be filed with the commissioner within thirty days after an insurer issues any policy using them.

(3) If, within thirty days after a commercial property casualty form has been filed, the commissioner finds that the form does not meet the requirements of this chapter, the commissioner shall disapprove the form and give notice to the insurer or rating organization that made the filing, specifying how the form fails to meet the requirements and stating when, within a reasonable period thereafter, the form shall be deemed no longer effective. The commissioner may extend the time for review another fifteen days by giving notice to the insurer prior to the expiration of the original thirty-day period.

(4) Upon a final determination of a disapproval of a policy form under subsection (3) of this section, the insurer shall amend any previously issued disapproved form by endorsement to comply with the commissioner's disapproval.

(5) For purposes of this section, "commercial property casualty" means insurance pertaining to a business, profession, or occupation for the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, or 48.11.070.

(6) Except as provided in subsection (4) of this section, the disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval.

(7) In the event a hearing is held on the actions of the commissioner under subsection (3) of this section, the burden of proof shall be on the commissioner.

[1997 c 428 § 1.]

RCW 48.18.110 Grounds for disapproval.

(1) The commissioner shall disapprove any such form of policy, application, rider, or endorsement, or withdraw any previous approval thereof, only:

(a) If it is in any respect in violation of or does not comply with this code or any applicable order or regulation of the commissioner issued pursuant to the code; or

(b) If it does not comply with any controlling filing theretofore made and approved; or

(c) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(d) If it has any title, heading, or other indication of its provisions which is misleading; or

(e) If purchase of insurance thereunder is being solicited by deceptive advertising.

(2) In addition to the grounds for disapproval of any such form as provided in subsection (1) of this section, the commissioner may disapprove any form of disability insurance policy, except an individual health benefit plan, if the benefits provided therein are unreasonable in relation to the premium charged.

[2000 c 79 § 2; 1985 c 264 § 9; 1982 c 181 § 9; 1947 c 79 § .18.11; Rem. Supp. 1947 § 45.18.11.]

Notes:

Effective date--Severability--2000 c 79: See notes following RCW 48.04.010.

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.18.120 Standard forms.

(1) The commissioner shall, after hearing, from time to time promulgate such rules and regulations as may be necessary to define and effect reasonable uniformity in all basic contracts of fire insurance which are commonly known as the standard form fire policies and may be so referred to in this code, and the usual supplemental coverages, riders, or endorsements thereon or thereto, to the end that such definitions shall be applied in the construction of the various sections of this code wherein such terms are used and that there be a reasonable concurrency of contract where two or more insurers insure the same subject and risk. All such forms heretofore approved by the commissioner and for use as of immediately prior to the effective date of this code, may continue to be so used until the further order of the commissioner made pursuant to this subsection or pursuant to any other provision of this code.

(2) The commissioner may from time to time, after hearing, promulgate such rules and regulations as he deems necessary to establish reasonable minimum standard conditions and terminology for basic benefits to be provided by disability insurance contracts which are subject to chapters 48.20 and 48.21 RCW, for the purpose of expediting his approval of such contracts pursuant to this code. No such promulgation shall be inconsistent with standard provisions as required pursuant to RCW 48.18.130, nor contain requirements inconsistent with requirements relative to the same benefit provision as formulated or approved by the National Association of Insurance Commissioners.

[1957 c 193 § 10; 1947 c 79 § .18.12; Rem. Supp. 1947 § 45.18.12.]

RCW 48.18.125 Loss payable and mortgagee clauses for property and automobile physical damage insurances--Requirement to use adopted forms.

The commissioner is hereby authorized, and shall within a reasonable time following July 30, 1967, adopt standard forms for loss payable and mortgagee clauses for property and automobile physical damage insurances, pursuant to the procedures set forth in RCW 48.18.120(1). Following the adoption of such forms, no insurer authorized to do business in the state shall use any form other than those so adopted.

[1967 ex.s. c 12 § 1.]

RCW 48.18.130 Standard provisions.

(1) Insurance contracts shall contain such standard provisions as are required by the applicable chapters of this code pertaining to contracts of particular kinds of insurance. The

commissioner may waive the required use of a particular standard provision in a particular insurance contract form if

(a) he finds such provision unnecessary for the protection of the insured, and inconsistent with the purposes of the contract, and

(b) the contract is otherwise approved by him.

(2) No insurance contract shall contain any provision inconsistent with or contradictory to any such standard provision used or required to be used, but the commissioner may, except as to the standard provisions of individual disability insurance contracts as required under chapter 48.20 RCW, approve any provision which is in his opinion more favorable to the insured than the standard provision or optional standard provision otherwise required. No endorsement, rider, or other documents attached to such contract shall vary, extend, or in any respect conflict with any such standard provision, or with any modification thereof so approved by the commissioner as being more favorable to the insured.

(3) In lieu of the standard provisions required by this code for contracts for particular kinds of insurance, substantially similar standard provisions required by the law of a foreign or alien insurer's domicile may be used when approved by the commissioner.

[1947 c 79 § .18.13; Rem. Supp. 1947 § 45.18.13.]

Notes:

Standard provisions

disability: Chapter 48.20 RCW.

group and blanket disability: Chapter 48.21 RCW.

group life and annuities: Chapter 48.24 RCW.

industrial life: Chapter 48.25 RCW.

life insurance and annuities: Chapter 48.23 RCW.

RCW 48.18.140 Contents of policies in general.

(1) The written instrument, in which a contract of insurance is set forth, is the policy.

(2) A policy shall specify:

(a) The names of the parties to the contract. The insurer's name shall be clearly shown in the policy.

(b) The subject of the insurance.

(c) The risk insured against.

(d) The time at which the insurance thereunder takes effect and the period during which the insurance is to continue.

(e) A statement of the premium, and if other than life, disability, or title insurance, the premium rate where applicable.

(f) The conditions pertaining to the insurance.

(3) If under the contract the exact amount of premiums is determinable only at termination of the contract, a statement of the basis and rates upon which the final premium is to be determined and paid shall be specified in the policy.

(4) This section shall not apply to surety insurance contracts.

[1989 c 25 § 2; 1957 c 193 § 11; 1947 c 79 § .18.14; Rem. Supp. 1947 § 45.18.14.]

Notes:

Effective date--1989 c 25: See note following RCW 48.18.100.

RCW 48.18.150 Additional contents.

A policy may contain additional provisions, which are not inconsistent with this code, and which are

- (1) required to be so inserted by the laws of the insurer's state of domicile; or
- (2) necessary, on account of the manner in which the insurer is constituted or operated, to state the rights and obligations of the parties to the contract.

[1947 c 79 § .18.15; Rem. Supp. 1947 § 45.18.15.]

RCW 48.18.160 Charter or bylaw provisions.

No policy shall contain any provision purporting to make any portion of the charter, bylaws, or other constituent document of the insurer a part of the contract unless such portion is set forth in full in the policy. Any policy provision in violation of this section shall be invalid.

[1947 c 79 § .18.16; Rem. Supp. 1947 § 45.18.16.]

RCW 48.18.170 "Premium" defined.

"Premium" as used in this code means all sums charged, received, or deposited as consideration for an insurance contract or the continuance thereof. Any assessment, or any "membership," "policy," "survey," "inspection," "service" or similar fee or charge made by the insurer in consideration for an insurance contract is deemed part of the premium.

[1947 c 79 § .18.17; Rem. Supp. 1947 § 45.18.17.]

RCW 48.18.180 Stated premium must include all charges.

(1) The premium stated in the policy shall be inclusive of all fees, charges, premiums, or other consideration charged for the insurance or for the procurement thereof.

(2) No insurer or its officer, employee, agent, solicitor, or other representative shall charge or receive any fee, compensation, or consideration for insurance which is not included in the premium specified in the policy.

(3) Each violation of this section is a gross misdemeanor.

(4) This section does not apply to a fee paid to a broker by an insured as provided in RCW 48.17.270.

[1994 c 203 § 2; 1947 c 79 § .18.18; Rem. Supp. 1947 § 45.18.18.]

RCW 48.18.190 Policy must contain entire contract.

No agreement in conflict with, modifying, or extending any contract of insurance shall be valid unless in writing and made a part of the policy.

[1947 c 79 § .18.19; Rem. Supp. 1947 § 45.18.19.]

RCW 48.18.200 Limiting actions, jurisdiction.

(1) No insurance contract delivered or issued for delivery in this state and covering subjects located, resident, or to be performed in this state, shall contain any condition, stipulation, or agreement

(a) requiring it to be construed according to the laws of any other state or country except as necessary to meet the requirements of the motor vehicle financial responsibility laws of such other state or country; or

(b) depriving the courts of this state of the jurisdiction of action against the insurer; or

(c) limiting right of action against the insurer to a period of less than one year from the time when the cause of action accrues in connection with all insurances other than property and marine and transportation insurances. In contracts of property insurance, or of marine and transportation insurance, such limitation shall not be to a period of less than one year from the date of the loss.

(2) Any such condition, stipulation, or agreement in violation of this section shall be void, but such voiding shall not affect the validity of the other provisions of the contract.

[1947 c 79 § .18.20; Rem. Supp. 1947 § 45.18.20.]

RCW 48.18.210 Execution of policies.

(1) Every insurance contract shall be executed in the name of and on behalf of the insurer by its officer, employee, or representative duly authorized by the insurer.

(2) A facsimile signature of any such executing officer, employee or representative may be used in lieu of an original signature.

(3) No insurance contract heretofore or hereafter issued and which is otherwise valid shall be rendered invalid by reason of the apparent execution thereof on behalf of the insurer by the imprinted facsimile signature of any individual not authorized so to execute as of the date of the policy, if the policy is countersigned with the original signature of an individual then so authorized to countersign.

[1947 c 79 § .18.21; Rem. Supp. 1947 § 45.18.21.]

RCW 48.18.220 Receipt of premium to bind coverage--Contents of receipt.

Where an agent or other representative of an insurer receipts premium money at the time that agent or representative purports to bind coverage, the receipt shall state: (a) that it is a binder, (b) a brief description of the coverage bound, and (c) the identity of the insurer in which the coverage is bound. This section does not apply as to life and disability insurances.

[1967 ex.s. c 12 § 2.]

RCW 48.18.230 Binders--Duration--Premium.

(1) A "binder" is used to bind insurance temporarily pending the issuance of the policy. No binder shall be valid beyond the issuance of the policy as to which it was given, or beyond ninety days from its effective date, whichever period is the shorter.

(2) If the policy has not been issued a binder may be extended or renewed beyond such ninety days upon the commissioner's written approval, or in accordance with such rules and regulations relative thereto as the commissioner may promulgate.

(3) Where the premium used in the binder differs from the actual policy premium by less than ten dollars, the insurer shall not be required to notify the insured and may use the actual policy premium.

[1996 c 95 § 1; 1947 c 79 § .18.23; Rem. Supp. 1947 § 45.18.23.]

RCW 48.18.240 Binders--Agent's liability.

The commissioner may suspend or revoke the license of any agent issuing or purporting to issue any binder as to any insurer named therein as to which he is not then authorized so to bind.

[1947 c 79 § .18.24; Rem. Supp. 1947 § 45.18.24.]

RCW 48.18.250 Underwriters' and combination policies.

(1) Two or more authorized insurers may jointly issue, and shall be jointly and severally liable on, an underwriters' policy bearing their names. Any one insurer may issue policies in the name of an underwriter's department and such policies shall plainly show the true name of the insurer.

(2) Two or more authorized insurers may, with the commissioner's approval, issue a combination policy which shall contain provisions substantially as follows:

(a) That the insurers executing the policy shall be severally liable for the full amount of any loss or damage, according to the terms of the policy, or for specified percentages or amounts thereof, aggregating the full amount of insurance under the policy.

(b) That service of process, or of any notice or proof of loss required by such policy, upon any of the insurers executing the policy, shall constitute service upon all such insurers.

(3) This section shall not apply to co-surety obligations.

[1947 c 79 § .18.25; Rem. Supp. 1947 § 45.18.25.]

RCW 48.18.260 Delivery of policy.

(1) Subject to the insurer's requirements as to payment of premium, every policy shall be

delivered to the insured or to the person entitled thereto within a reasonable period of time after its issuance.

(2) In event the original policy is delivered or is so required to be delivered to or for deposit with any vendor, mortgagee, or pledgee of any motor vehicle or aircraft, and in which policy any interest of the vendee, mortgagor, or pledgor in or with reference to such vehicle or aircraft is insured, a duplicate of such policy, or memorandum thereof setting forth the type of coverage, limits of liability, premiums for the respective coverages, and duration of the policy, shall be delivered by the vendor, mortgagee, or pledgee to each such vendee, mortgagor, or pledgor named in the policy or coming within the group of persons designated in the policy to be so included. If the policy does not provide coverage of legal liability for injury to persons or damage to the property of third parties, a conspicuous statement of such fact shall be printed, written, or stamped on the face of such duplicate policy or memorandum.

[1947 c 79 § .18.26; Rem. Supp. 1947 § 45.18.26.]

Notes:

Vehicle seller must furnish buyer itemized statement of insurance and other charges: RCW 46.70.130.

RCW 48.18.280 Renewal of policy.

Any insurance policy terminating by its terms at a specified expiration date and not otherwise renewable, may be renewed or extended at the option of the insurer and upon a currently authorized policy form and at the premium rate then required therefor for a specific additional period or periods by a certificate or by endorsement of the policy, and without requiring the issuance of a new policy.

[1947 c 79 § .18.28; Rem. Supp. 1947 § 45.18.28.]

RCW 48.18.289 Cancellation, nonrenewal, renewal offer--Notice to agent.

Whenever a notice of cancellation or nonrenewal or an offer to renew is furnished to an insured in accord with any provision of this chapter, a copy of such notice or offer shall be provided within five working days to the agent on the account or to the broker of record for the insured. When possible, the copy to the agent or broker may be provided electronically.

[2000 c 220 § 1; 1988 c 249 § 1; 1987 c 14 § 1.]

Notes:

Effective date--1988 c 249: "This act shall take effect September 1, 1988." [1988 c 249 § 4.]

RCW 48.18.290 Cancellation by insurer.

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy which does not contain a clearly stated expiration date, may be effected as to any interest only upon compliance with the following:

(a) Written notice of such cancellation, accompanied by the actual reason therefor, must

be actually delivered or mailed to the named insured not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date;

(b) Like notice must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder. For purposes of this subsection (1)(b), "delivered" includes electronic transmittal, facsimile, or personal delivery.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, or to contracts of insurance procured under the provisions of chapter 48.15 RCW.

[1997 c 85 § 1; 1988 c 249 § 2; 1986 c 287 § 1; 1985 c 264 § 17; 1982 c 110 § 7; 1980 c 102 § 7; 1979 ex.s. c 199 § 5; 1975-'76 2nd ex.s. c 119 § 2; 1947 c 79 § .18.29; Rem. Supp. 1947 § 45.18.29.]

Notes:

Effective date--1988 c 249: See note following RCW 48.18.289.

Application--1985 c 264 §§ 17-22: "Sections 17 through 22 of this act apply to all new or renewal policies issued or renewed after May 10, 1985. Sections 17 through 22 of this act shall not apply to or affect the validity of any notice of cancellation mailed or delivered prior to May 10, 1985. Sections 17 through 22 of this act shall not be construed to affect cancellation of a renewal policy, if notice of cancellation is mailed or delivered within forty-five days after May 10, 1985. Sections 17 through 22 of this act shall not be construed to require notice, other than that already required, of intention not to renew any policy which expires less than forty-five days after May 10, 1985." [1985 c 264 § 24.]

RCW 48.18.290 Renewal required--Exceptions.

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.290 unless one of the following situations exists:

(a) The insurer gives the named insured at least forty-five days' notice in writing as provided for in RCW 48.18.290, that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated, either directly or through its agent, its willingness to renew in writing to the named insured and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, and the insured fails to discharge when due his or her obligation in connection with the payment of such premium or portion thereof; or

(c) The insured has procured equivalent coverage prior to the expiration of the policy period; or

(d) The contract is evidenced by a written binder containing a clearly stated expiration date which has expired according to its terms.

(2) Any insurer failing to include in the notice required by subsection (1)(b) of this section the amount of any increased premium resulting from a change of rates and an explanation of any change in the contract provisions shall renew the policy if so required by that subsection according to the rates and contract provisions applicable to the expiring policy: PROVIDED, That renewal based on the rates and contract provisions applicable to the expiring policy shall not prevent the insurer from making changes in the rates and/or contract provisions of the policy once during the term of its renewal after at least twenty days' advance notice of such change has been given to the named insured.

(3) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal, or with respect to cancellation of fire policies under chapter 48.53 RCW.

(4) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295, be considered as if written for successive policy periods or terms of one year.

(5) A midterm blanket reduction in rate, approved by the commissioner, for medical malpractice insurance shall not be considered a renewal for purposes of this section.

[1993 c 186 § 1; 1988 c 249 § 3; 1986 c 287 § 2; 1985 c 264 § 20.]

Notes:

Effective date--1988 c 249: See note following RCW 48.18.289.

Application--1985 c 264 §§ 17-22: See note following RCW 48.18.290.

RCW 48.18.291 Cancellation of private automobile insurance by insurer--Notice--Requirements.

(1) No contract of insurance predicated wholly or in part upon the use of a private passenger automobile shall be terminated by cancellation by the insurer until at least twenty days after mailing written notice of cancellation to the named insured at the latest address filed with the insurer by or on behalf of the named insured, accompanied by the reason therefor: PROVIDED, That where cancellation is for nonpayment of premium, or is within the first thirty days after the contract has been in effect, at least ten days notice of cancellation, accompanied by the reason therefor, shall be given: PROVIDED HOWEVER, That in case of a contract evidenced by a written binder which has been delivered to the insured, if such binder contains a clearly stated expiration date, no additional notice of cancellation or nonrenewal shall be required.

(2) (a) No notice of cancellation by the insurer as to a contract of insurance to which subsection (1) applies shall be valid if sent more than sixty days after the contract has been in effect unless:

(i) The named insured fails to discharge when due any of his or her obligations in connection with the payment of premium for the policy or any installment thereof, whether payable directly to the insurer or to its agent or indirectly under any premium finance plan or extension of credit.

(ii) The driver's license of the named insured, or of any other operator who customarily operates an automobile insured under the policy, has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period or the one hundred eighty days immediately preceding the effective date of the renewal policy.

(b) Modification by the insurer of automobile physical damage coverage by the inclusion of a deductible not exceeding one hundred dollars shall not be deemed a cancellation of the coverage or of the policy.

(3) The substance of subsections (1) and (2)(a) of this section must be set forth in each contract of insurance subject to the provisions of subsection (1) above, and may be in the form of an attached endorsement.

(4) No notice of cancellation of a policy which can be canceled only pursuant to subsection (2) shall be effective unless the reason therefor accompanies or is included in the notice of cancellation.

[1985 c 264 § 18; 1979 ex.s. c 199 § 6; 1969 ex.s. c 241 § 19.]

Notes:

Application--1985 c 264 §§ 17-22: See note following RCW 48.18.290.

Construction--1969 ex.s. c 241: "Sections 19 through 25 of this 1969 amendatory act shall become operative September 1, 1969, and shall apply to policies written or renewed, or which have a renewal anniversary thereafter. Sections 19 through 25 of this 1969 amendatory act shall not apply to or affect the validity of any notice of cancellation mailed or delivered prior to the operative date of this amendatory act. Sections 19 through 25 of this 1969 amendatory act shall not be construed to affect cancellation of a renewal policy, if notice of cancellation is mailed or delivered within sixty days after the operative date of sections 19 through 25 of this amendatory act.

Sections 19 through 25 of this 1969 amendatory act shall not be construed to require notice of intention not to renew any policy which expires less than thirty days after the operative date of sections 19 through 25 of this 1969 amendatory act." [1969 ex.s. c 241 § 25.]

RCW 48.18.292 Refusal to renew private automobile insurance by insurer--Change in amount of premium or deductibles.

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.291 unless one of the following situations exists:

(a) The insurer gives the named insured at least twenty days' notice in writing as provided for in RCW 48.18.291(1), that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.291 through 48.18.297 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.291 through 48.18.297, be considered as if written for successive policy periods or terms of one year.

(4) On and after January 1, 1980, no policy of insurance subject to RCW 48.18.291 shall be issued for a policy period or term of less than six months.

(5) No insurer shall refuse to renew the liability and/or collision coverage of an automobile insurance policy on the basis that an insured covered by the policy of the insurer has submitted one or more claims under the comprehensive, road service, or towing coverage of the policy. Nothing in this subsection shall prohibit the nonrenewal of comprehensive, road service, or towing coverage on the basis of one or more claims submitted by an insured.

[1985 c 264 § 19; 1981 c 339 § 17; 1979 ex.s. c 199 § 7; 1973 1st ex.s. c 152 § 3; 1969 ex.s. c 241 § 20.]

Notes:

Application--1985 c 264 §§ 17-22: See note following RCW 48.18.290.

Severability--1973 1st ex.s. c 152: See note following RCW 48.05.140.

Construction--1969 ex.s. c 241: See note following RCW 48.18.291.

RCW 48.18.293 Nonliability of commissioner, agents, insurer for information giving reasons for cancellation or refusal to renew--Proof of mailing of notice.

(1) There shall be no liability on the part of, and no cause of action of any nature shall arise against, the insurance commissioner, his agents, or members of his staff, or against any insurer, its authorized representative, its agents, its employees, or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation or refusal to renew, for any statement made by any of them in any written notice of cancellation or refusal to renew, or in any other communications, oral or written, specifying the reasons for cancellation or refusal to renew or the providing of information pertaining thereto, or for statements made or evidence submitted in any hearing conducted in connection therewith.

(2) Proof of mailing of notice of cancellation or refusal to renew or of reasons for cancellation, to the named insured, at the latest address filed with the insurer by or on behalf of the named insured shall be sufficient proof of notice.

[1969 ex.s. c 241 § 21.]

Notes:

Construction--1969 ex.s. c 241: See note following RCW 48.18.291.

RCW 48.18.295 RCW 48.18.290 through 48.18.297 not to prevent cancellation or nonrenewal, when.

Nothing in RCW 48.18.290 through 48.18.297 shall be construed to prevent the cancellation or nonrenewal of any such insurance where:

(1) Such cancellation or nonrenewal is ordered by the commissioner under a statutory delinquency proceeding commenced under the provisions of chapter 48.31 RCW, or

(2) Permission for such cancellation or nonrenewal has been given by the commissioner on a showing that the continuation of such coverage can reasonably be expected to create a condition in the company hazardous to its policyholder, or to its creditors, or to its members, subscribers, or stockholders, or to the public.

[1985 c 264 § 21; 1969 ex.s. c 241 § 22; 1967 ex.s. c 95 § 2.]

Notes:

Application--1985 c 264 §§ 17-22: See note following RCW 48.18.290.

Construction--1969 ex.s. c 241: See note following RCW 48.18.291.

Severability--1967 ex.s. c 95: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons and circumstances is not affected." [1967 ex.s. c 95 § 16.]

RCW 48.18.296 Contracts to which RCW 48.18.291 through 48.18.297 inapplicable.

The provisions of RCW 48.18.291 through 48.18.297 shall not apply to:

- (1) Contracts of insurance issued under the assigned risk plan;
- (2) Any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards; and
- (3) Contracts of insurance procured under the provisions of chapter 48.15 RCW.

[1986 c 287 § 3; 1985 c 264 § 22; 1983 1st ex.s. c 32 § 6; 1969 ex.s. c 241 § 23.]

Notes:

Application--1985 c 264 §§ 17-22: See note following RCW 48.18.290.

Construction--1969 ex.s. c 241: See note following RCW 48.18.291.

RCW 48.18.297 Private passenger automobile defined.

A private passenger automobile as used in RCW 48.18.291 through 48.18.297 shall mean:

- (1) An individually owned motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others.
- (2) Any other individually owned four-wheel motor vehicle with a load capacity of fifteen hundred pounds or less which is not used in the occupation, profession, or business of the insured.

[1969 ex.s. c 241 § 24.]

Notes:

Construction--1969 ex.s. c 241: See note following RCW 48.18.291.

RCW 48.18.298 Disability insurance--Refusal to renew by insurer.

No insurer shall refuse to renew any policy of individual disability insurance issued after July 1, 1973 because of a change in the physical or mental condition or health of any person covered thereunder: PROVIDED, That after approval of the insurance commissioner, an insurer may discharge its obligation to renew the contract by obtaining for the insured coverage with another insurer which is comparable in terms of premiums and benefits.

[1973 1st ex.s. c 188 § 1.]

Notes:

Severability--1973 1st ex.s. c 188: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 188 § 5.]

RCW 48.18.299 Disability insurance--Cancellation by insurer.

No contract of insurance enumerated in RCW 48.18.298 shall be terminated by

cancellation by the insurer during the period of contract except for nonpayment of premium. This section shall not be deemed to affect the right of the insurer to rescind the policy as limited and defined in RCW 48.18.090.

[1973 1st ex.s. c 188 § 2.]

Notes:

Severability--1973 1st ex.s. c 188: See note following RCW 48.18.298.

RCW 48.18.300 Cancellation by insured.

(1) Cancellation by the insured of any policy which by its terms is cancellable at the insured's option or of any binder based on such policy may be effected by written notice thereof to the insurer or surrender of the policy or binder for cancellation prior to or on the effective date of such cancellation. In [the] event the policy or binder has been lost or destroyed and cannot be so surrendered, the insurer may in lieu of such surrender accept and in good faith rely upon the insured's written statement setting forth the fact of such loss or destruction.

(2) As soon as possible, and no later than thirty days after the receipt of the notice of cancellation from the policyholder for homeowners', dwelling fire, and private passenger auto insurance, the insurer shall pay to the insured or to the person entitled thereto as shown by the insurer's records, any unearned portion of any premium paid on the policy as computed on the customary short rate or as otherwise specified in the policy: PROVIDED, That the refund of any unearned portion of any premium paid on a contract of dwelling fire insurance, homeowners' insurance, or insurance predicated upon the use of a private passenger automobile (as defined in RCW 48.18.297 and excluding contracts of insurance and policies enumerated in RCW 48.18.296) shall be computed on a pro rata basis and the insurer shall refund not less than ninety percent of any unearned portion not exceeding one hundred dollars, plus ninety-five percent of any unearned portion over one hundred dollars but not exceeding five hundred dollars, and not less than ninety-seven percent of the amount of any unearned portion in excess of five hundred dollars. If the amount of any refund is less than two dollars, no refund need be made. If no premium has been paid on the policy, the insured shall be liable to the insurer for premium for the period during which the policy was in force.

(3) The surrender of a policy to the insurer for any cause by any person named therein as having an interest insured thereunder shall create a presumption that such surrender is concurred in by all persons so named.

(4) This section shall not apply to life insurance policies or to annuity contracts.

[1980 c 102 § 8; 1979 ex.s. c 199 § 8; 1955 c 303 § 16; 1947 c 79 § .18.30; Rem. Supp. 1947 § 45.18.30.]

RCW 48.18.310 Cancellation by commissioner.

The commissioner may order the immediate cancellation of any policy the procuring or effectuation of which was accomplished through or accompanied by a violation of this code, except in cases where the policy by its terms is not cancellable by the insurer and the insured did

not knowingly participate in any such violation.

[1947 c 79 § .18.31; Rem. Supp. 1947 § 45.18.31.]

RCW 48.18.320 Annulment of liability policies.

No insurance contract insuring against loss or damage through legal liability for the bodily injury or death by accident of any individual, or for damage to the property of any person, shall be retroactively annulled by any agreement between the insurer and insured after the occurrence of any such injury, death, or damage for which the insured may be liable, and any such annulment attempted shall be void.

[1947 c 79 § .18.32; Rem. Supp. 1947 § 45.18.32.]

RCW 48.18.340 Dividends payable to real party in interest.

(1) Every insurer issuing participating policies, shall pay dividends, unused premium refunds or savings distributed on account of any such policy, only to the real party in interest entitled thereto as shown by the insurer's records, or to any person to whom the right thereto has been assigned in writing of record with the insurer, or given in the policy by such real party in interest.

(2) Any person who is shown by the insurer's records to have paid for his own account, or to have been ultimately charged for, the premium for insurance provided by a policy in which another person is the nominal insured, shall be deemed such real party in interest proportionate to premium so paid or so charged. This subsection shall not apply as to any such dividend, refund, or distribution which would amount to less than one dollar.

(3) This section shall not apply to contracts of group life insurance, group annuities, or group disability insurance.

[1947 c 79 § .18.34; Rem. Supp. 1947 § 45.18.34.]

RCW 48.18.350 Breach of warranty prior to loss--Effect.

If any breach of a warranty or condition in any insurance contract occurs prior to a loss under the contract, such breach shall not avoid the contract nor avail the insurer to avoid liability, unless the breach exists at the time of the loss.

[1947 c 79 § .18.35; Rem. Supp. 1947 § 45.18.35.]

RCW 48.18.360 Assignment of policies--Life and disability.

Subject to the terms of the policy relating to its assignment, life insurance policies, other than industrial or group life insurance policies, and disability policies providing benefits for accidental death, whether such policies were heretofore or are hereafter issued, and under the terms of which the beneficiary may be changed upon the sole request of the insured, may be

assigned either by pledge or transfer of title, by an assignment executed by the insured alone and delivered to the insurer, whether or not the pledgee or assignee is the insurer. Industrial life insurance policies may be made assignable only to a bank or trust company. Any such assignment shall entitle the insurer to deal with the assignee as the owner or pledgee of the policy in accordance with the terms of the assignment, until the insurer has received at its home office written notice of termination of the assignment or pledge, or written notice by or on behalf of some other person claiming some interest in the policy in conflict with the assignment.

[1947 c 79 § .18.36; Rem. Supp. 1947 § 45.18.36.]

RCW 48.18.370 Payment discharges insurer--Life and disability.

Whenever the proceeds of, or payments under a life or disability insurance policy, heretofore or hereafter issued, become payable and the insurer makes payment thereof in accordance with the terms of the policy, or in accordance with any written assignment thereof pursuant to RCW 48.18.360, the person then designated in the policy or by such assignment as being entitled thereto, shall be entitled to receive such proceeds or payments and to give full acquittance therefor, and such payment shall fully discharge the insurer from all claims under the policy unless, before payment is made, the insurer has received at its home office, written notice by or on behalf of some other person that such other person claims to be entitled to such payment or some interest in the policy.

[1947 c 79 § .18.37; Rem. Supp. 1947 § 45.18.37.]

RCW 48.18.375 Assignment of interests under group insurance policy.

A person whose life is insured under a group insurance policy may, subject and pursuant to the terms of the policy, or pursuant to an arrangement between the insured, the group policyholder and the insurer, assign to any or all his spouse, children, parents, or a trust for the benefit of any or all of them, all or any part of his incidents of ownership, rights, title, and interests, both present and future, under such policy including specifically, but not by way of limitation, the right to designate a beneficiary or beneficiaries thereunder and the right to have an individual policy issued to him in case of termination of employment or of said group insurance policy. Such an assignment by the insured, made either before or after July 16, 1973, is valid for the purpose of vesting in the assignee, in accordance with any provisions included therein as to the time at which it is to be effective, all of such incidents of ownership, rights, title, and interests so assigned, but without prejudice to the insurer on account of any payment it may make or individual policy it may issue prior to receipt of notice of the assignment. This section acknowledges, declares, and codifies the existing right of assignment of interests under group insurance policies.

[1973 1st ex.s. c 163 § 3.]

RCW 48.18.390 Simultaneous deaths--Payment of proceeds--Life insurance.

Where the individual insured and the beneficiary designated in a life insurance policy or policy insuring against accidental death have died and there is not sufficient evidence that they have died otherwise than simultaneously, the proceeds of the policy shall be distributed as if the insured had survived the beneficiary, unless otherwise expressly provided in the policy.

[1947 c 79 § .18.39; Rem. Supp. 1947 § 45.18.39.]

Notes:

Distribution of proceeds of insurance policy when insured and beneficiary die simultaneously: RCW 11.05.040.

RCW 48.18.400 Exemption of proceeds--Disability.

The proceeds or avails of all contracts of disability insurance and of provisions providing benefits on account of the insured's disability which are supplemental to life insurance or annuity contracts heretofore or hereafter effected shall be exempt from all liability for any debt of the insured, and from any debt of the beneficiary existing at the time the proceeds are made available for his use.

[1947 c 79 § .18.40; Rem. Supp. 1947 § 45.18.40.]

RCW 48.18.410 Exemption of proceeds--Life.

(1) The lawful beneficiary, assignee, or payee of a life insurance policy, other than an annuity, heretofore or hereafter effected by any person on his own life, or on the life of another, in favor of a person other than himself, shall be entitled to the proceeds and avails of the policy against the creditors and representatives of the insured and of the person effecting the insurance, and such proceeds and avails shall also be exempt from all liability for any debt of such beneficiary, existing at the time the proceeds or avails are made available for his own use.

(2) The provisions of subsection (1) of this section shall apply

(a) whether or not the right to change the beneficiary is reserved or permitted in the policy; or

(b) whether or not the policy is made payable to the person whose life is insured or to his estate if the beneficiary, assignee or payee shall predecease such person; except, that this subsection shall not be construed so as to defeat any policy provision which provides for disposition of proceeds in the event the beneficiary shall predecease the insured.

(3) The exemptions provided by subsection (1) of this section, subject to the statute of limitations, shall not apply

(a) to any claim to or interest in such proceeds or avails by or on behalf of the insured, or the person so effecting the insurance, or their administrators or executors, in whatever capacity such claim is made or such interest is asserted; or

(b) to any claim to or interest in such proceeds or avails by or on behalf of any person to whom rights thereto have been transferred with intent to defraud creditors; but an insurer shall be liable to all such creditors only as to amounts aggregating not to exceed the amount of such

proceeds or avails remaining in the insurer's possession at the time the insurer receives at its home office written notice by or on behalf of such creditors, of claims to recover for such transfer, with specification of the amounts claimed; or

(c) to so much of such proceeds or avails as equals the amount of any premiums or portion thereof paid for the insurance with intent to defraud creditors, with interest thereon, and if prior to the payment of such proceeds or avails the insurer has received at its home office written notice by or on behalf of the creditor, of a claim to recover for premiums paid with intent to defraud creditors, with specification of the amount claimed.

(4) For the purposes of subsection (1) of this section a policy shall also be deemed to be payable to a person other than the insured if and to the extent that a facility-of-payment clause or similar clause in the policy permits the insurer to discharge its obligation after the death of the individual insured by paying the death benefits to a person as permitted by such clause.

(5) No person shall be compelled to exercise any rights, powers, options or privileges under any such policy.

[1947 c 79 § .18.41; Rem. Supp. 1947 § 45.18.41.]

RCW 48.18.420 Exemption of proceeds--Group life.

(1) A policy of group life insurance or the proceeds thereof payable to the individual insured or to the beneficiary thereunder, shall not be liable, either before or after payment, to be applied to any legal or equitable process to pay any liability of any person having a right under the policy. The proceeds thereof, when not made payable to a named beneficiary or to a third person pursuant to a facility-of-payment clause, shall not constitute a part of the estate of the individual insured for the payment of his debts.

(2) This section shall not apply to group life insurance policies issued under RCW 48.24.040 (debtor groups) to the extent that such proceeds are applied to payment of the obligation for the purpose of which the insurance was so issued.

[1947 c 79 § .18.42; Rem. Supp. 1947 § 45.18.42.]

RCW 48.18.430 Exemption of proceeds, commutation--Annuities.

(1) The benefits, rights, privileges and options which under any annuity contract heretofore or hereafter issued are due or prospectively due the annuitant who paid the consideration for the annuity contract, shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers or options, nor shall creditors be allowed to interfere with or terminate the contract, except:

(a) As to amounts paid for or as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office prior to the making of the payments to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascertain such amount, and shall set forth such facts as will enable the insurer to ascertain the insurance or annuity contract, the person insured or annuitant and the payments

sought to be avoided on the ground of fraud.

(b) The total exemption of benefits presently due and payable to any annuitant periodically or at stated times under all annuity contracts under which he is an annuitant, shall not at any time exceed two hundred and fifty dollars per month for the length of time represented by such installments, and that such periodic payment in excess of two hundred and fifty dollars per month shall be subject to garnishee execution to the same extent as are wages and salaries.

(c) If the total benefits presently due and payable to any annuitant under all annuity contracts under which he is an annuitant, shall at any time exceed payment at the rate of two hundred and fifty dollars per month, then the court may order such annuitant to pay to a judgment creditor or apply on the judgment, in installments, such portion of such excess benefits as to the court may appear just and proper, after due regard for the reasonable requirements of the judgment debtor and his family, if dependent upon him, as well as any payments required to be made by the annuitant to other creditors under prior court orders.

(2) The benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable nor subject to commutation, and if the benefits are payable periodically or at stated times, the same exemptions and exceptions contained herein for the annuitant, shall apply with respect to such beneficiary or assignee.

(3) An annuity contract within the meaning of this section shall be any obligation to pay certain sums at stated times, during life or lives, or for a specified term or terms, issued for a valuable consideration, regardless of whether or not such sums are payable to one or more persons, jointly or otherwise, but does not include payments under life insurance contracts at stated times during life or lives, or for a specified term or terms.

[1949 c 190 § 25; 1947 c 79 § .18.43; Rem. Supp. 1949 § 45.18.43.]

RCW 48.18.440 Spouse's rights in life insurance policy.

(1) Every life insurance policy heretofore or hereafter made payable to or for the benefit of the spouse of the insured, and every life insurance policy heretofore or hereafter assigned, transferred, or in any way made payable to a spouse or to a trustee for the benefit of a spouse, regardless of how such assignment or transfer is procured, shall, unless contrary to the terms of the policy, inure to the separate use and benefit of such spouse: PROVIDED, That the beneficial interest of a spouse in a policy upon the life of a child of the spouses, however such interest is created, shall be deemed to be a community interest and not a separate interest, unless expressly otherwise provided by the policy.

(2) In any life insurance policy heretofore or hereafter issued upon the life of a spouse the designation heretofore or hereafter made by such spouse of a beneficiary in accordance with the terms of the policy, shall create a presumption that such beneficiary was so designated with the consent of the other spouse, but only as to any beneficiary who is the child, parent, brother, or sister of either of the spouses. The insurer may in good faith rely upon the representations made by the insured as to the relationship to him of any such beneficiary.

[1947 c 79 § .18.44; Rem. Supp. 1947 § 45.18.44.]

RCW 48.18.450 Life insurance payable to trustee named as beneficiary in the policy.

Life insurance may be made payable to a trustee to be named as beneficiary in the policy and the proceeds of such insurance paid to such trustee shall be held and disposed of by the trustee as provided in a trust agreement or declaration of trust made by the insured during his lifetime. It shall not be necessary to the validity of any such trust agreement or declaration of trust that it have a trust corpus other than the right of the trustee to receive such insurance proceeds as beneficiary, and any such trustee may also receive assets, other than insurance proceeds, by testamentary disposition and administer them according to the terms of the trust agreement or declaration of trust as they exist at the death of the testator.

[1963 c 227 § 1.]

RCW 48.18.452 Life insurance designating as beneficiary a trustee named by will.

A policy of life insurance may designate as beneficiary a trustee or trustees named or to be named by will, if the designation is made in accordance with the provisions of the policy and the requirements of the insurance company. Immediately after the proving of the will the proceeds of such insurance shall be paid to the trustee or trustees named therein to be held and disposed of under the terms of the will as they exist at the death of the testator, but if no qualified trustee makes claim to the proceeds from the insurance company within one year after the death of the insured, or if satisfactory evidence is furnished the insurance company within such one-year period showing that no trustee can qualify to receive the proceeds, payment shall be made by the insurance company to those thereafter entitled. The proceeds of the insurance as collected by the trustee or trustees shall not be subject to debts of the insured and inheritance tax to any greater extent than if such proceeds were payable to any other named beneficiary other than the estate of the insured. Enactment of this section shall not invalidate previous life insurance policy beneficiary designations naming trustees of trusts established by will.

[1963 c 227 § 2.]

RCW 48.18.460 Proof of loss--Furnishing forms--May require oath.

An insurer shall furnish, upon request of any person claiming to have a loss under any insurance contract, forms of proof of loss for completion by such person. But such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility for or with reference to the completion of such proof or the manner of any such completion or attempted completion. If a person makes a claim under a policy of insurance, the insurer may require that the person be examined under an oath administered by a person authorized by state or federal law to administer oaths.

[1995 c 285 § 17; 1949 c 190 § 26; 1947 c 79 § .18.46; Rem. Supp. 1949 § 45.18.46.]

Notes:

Effective date--1995 c 285: See RCW 48.30A.900.

RCW 48.18.470 Claims administration--Not waiver.

None of the following acts by or on behalf of an insurer shall be deemed to constitute a waiver of any provision of a policy or of any defense of the insurer thereunder:

- (a) Acknowledgment of the receipt of notice of loss or of claim under the policy.
- (b) Furnishing forms for reporting a loss or claim, for giving information relative thereto, or for making proof of loss, or receiving or acknowledging receipt of any such forms or proofs completed or uncompleted.
- (c) Investigating any loss or claim under any policy or engaging in negotiations looking toward a possible settlement of any such loss or claim.

[1947 c 79 § .18.47; Rem. Supp. 1947 § 45.18.47.]

RCW 48.18.480 Discrimination prohibited.

No insurer shall make or permit any unfair discrimination between insureds or subjects of insurance having substantially like insuring, risk, and exposure factors, and expense elements, in the terms or conditions of any insurance contract, or in the rate or amount of premium charged therefor, or in the benefits payable or in any other rights or privileges accruing thereunder. This provision shall not prohibit fair discrimination by a life insurer as between individuals having unequal expectation of life.

[1957 c 193 § 12; 1947 c 79 § .18.48; Rem. Supp. 1947 § 45.18.480.]

RCW 48.18.510 Validity of noncomplying forms.

Any insurance policy, rider, or endorsement hereafter issued and otherwise valid, which contains any condition or provision not in compliance with the requirements of this code, shall not be rendered invalid thereby, but shall be construed and applied in accordance with such conditions and provisions as would have applied had such policy, rider, or endorsement been in full compliance with this code.

[1947 c 79 § .18.51; Rem. Supp. 1947 § 45.18.51.]

RCW 48.18.520 Construction of policies.

Every insurance contract shall be construed according to the entirety of its terms and conditions as set forth in the policy, and as amplified, extended, or modified by any rider, endorsement, or application attached to and made a part of the policy.

[1947 c 79 § .18.52; Rem. Supp. 1947 § 45.18.52.]

RCW 48.18.540 Cancellations, denials, refusals to renew--Written notification.

Every insurer upon canceling, denying, or refusing to renew any disability policy, shall,

upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer and to any person covered under a group contract. Any benefits, terms, rates, or conditions of such a contract that are restricted, excluded, modified, increased, or reduced shall, upon written request, be set forth in writing and supplied to the insured and to any person covered under a group contract. The written communications required by this section shall be phrased in simple language that is readily understandable to a person of average intelligence, education, and reading ability.

[1993 c 492 § 281.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 48.18.550 Victims of domestic abuse--Prohibition on certain cancellations, denials, refusals to renew, and different rates--Domestic abuse defined.

(1) No insurer shall deny or refuse to accept an application for insurance, refuse to insure, refuse to renew, cancel, restrict, or otherwise terminate a policy of insurance, or charge a different rate for the same coverage, on the basis that the applicant or insured person is, has been, or may be a victim of domestic abuse.

(2) Nothing in this section shall prevent an insurer from taking any of the actions set forth in subsection (1) of this section on the basis of loss history or medical condition or for any other reason not otherwise prohibited by this section, any other law, regulation, or rule.

(3) Any form filed or filed after June 11, 1998, subject to RCW 48.18.120(1) or subject to a rule adopted under RCW 48.18.120(1) may exclude coverage for losses caused by intentional or fraudulent acts of any insured. Such an exclusion, however, shall not apply to deny an insured's otherwise-covered property loss if the property loss is caused by an act of domestic abuse by another insured under the policy, the insured claiming property loss files a police report and cooperates with any law enforcement investigation relating to the act of domestic abuse, and the insured claiming property loss did not cooperate in or contribute to the creation of the property loss. Payment by the insurer to an insured may be limited to the person's insurable interest in the property less payments made to a mortgagee or other party with a legal secured interest in the property. An insurer making payment to an insured under this section has all rights of subrogation to recover against the perpetrator of the act that caused the loss.

(4) Nothing in this section prohibits an insurer from investigating a claim and complying with chapter 48.30A RCW.

(5) As used in this section, "domestic abuse" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; (b) sexual assault of one family or household member by another; (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member; or (d) intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another family or household member.

[1998 c 301 § 1.]

RCW 48.18.560 Year 2000 failure--Reinstating insurance policy under certain circumstances. (Expires December 31, 2006.)

(1) An insurer shall reinstate back to the effective date of cancellation, with no penalties or interest, any personal lines insurance policy, subject to this chapter, that was canceled for nonpayment of premium, if the named insured:

(a) Provides notice to the insurer, no later than ten days after the effective date of cancellation, that the failure to pay the premium due for the insurance policy is caused by a year 2000 failure associated with an electronic computing device that is not under the named insured's dominion or control;

(b) Establishes that a year 2000 failure occurred and that if it were not for the year 2000 failure, the named insured would have been able to pay the premium due in a timely manner;

(c) Makes a premium payment to bring the insurance policy current as soon as possible, but no later than ten days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2) If the named insured fails to pay the premium due within ten days after the year 2000 failure has been corrected or reasonably should have been corrected, the insurer's previous notice of cancellation for nonpayment of premium remains effective.

(3)(a) The definitions in RCW 4.22.080 apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "named insurer" means a natural person or a small business as defined in RCW 19.85.020.

(4) This section does not effect [affect] the cancellation of any insurance policy that is unrelated to a year 2000 failure, or occurs before any disruption of financial or data transfer operations attributable to the year 2000 failure.

(5) This section does not apply to any claim or cause of action filed after December 31, 2003.

(6) This section expires December 31, 2006.

[1999 c 369 § 3.]

Notes:

Effective date--1999 c 369: See note following RCW 4.22.080.

**Chapter 48.18A RCW
VARIABLE CONTRACT ACT**

Sections

48.18A.010 Short title--Intent.

48.18A.020 Separate accounts authorized--Allocations--Benefits--Limitations--Valuation--Sale, transfer, or exchange of assets.

| | |
|------------|--|
| 48.18A.030 | Statements required in contracts--Payment on death, incidental benefit provision. |
| 48.18A.035 | Return of policy and refund of premium--Notice required--Effect of return. |
| 48.18A.040 | Requirements for operation under this chapter--Considerations--Authorization of subsidiary or affiliate--Exceptions. |
| 48.18A.050 | Applicability of other code provisions--Contract requirements. |
| 48.18A.060 | Licensing requirement. |
| 48.18A.070 | Authority of commissioner. |
| 48.18A.900 | Effective date--1969 c 104. |

Notes:

Reviser's note: Powers, duties, and functions of the department of licensing relating to securities were transferred to the department of financial institutions by 1993 c 472, effective October 1, 1993. See RCW 43.320.011.

RCW 48.18A.010 Short title--Intent.

This chapter shall be known as the "Variable Contract Act" and is intended to authorize the sale of both individual and group variable contracts.

[1969 c 104 § 1.]

RCW 48.18A.020 Separate accounts authorized--Allocations--Benefits--Limitations--Valuation--Sale, transfer, or exchange of assets.

A domestic life insurer may, by or pursuant to resolution of its board of directors, establish one or more separate accounts, and may allocate thereto amounts (including without limitation proceeds applied under optional modes of settlement or under dividend options) to provide for life insurance or annuities (and other benefits incidental thereto), payable in fixed or variable amounts or both, subject to the following:

(1) The income, gains, and losses, realized or unrealized, from assets allocated to a separate account shall be credited to or charged against the account, without regard to other income, gains, or losses of the insurer.

(2)(a) Except as hereinafter provided, amounts allocated to any separate account and accumulations thereon may be invested and reinvested without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life insurers: PROVIDED, That to the extent that the insurer's reserve liability with regard to (i) benefits guaranteed as to dollar amount and duration, and (ii) funds guaranteed as to principal amount or stated rate of interest is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall be invested under such conditions as the commissioner may prescribe. The investments in such separate account or accounts shall not be taken into account in applying the investment limitations applicable to the investments of the insurer.

(b) With respect to seventy-five percent of the market value of the total assets in a separate account no insurer shall purchase or otherwise acquire the securities of any issuer, other than securities issued or guaranteed as to principal or interest by the United States, if

immediately after such purchase or acquisition the market value of such investment, together with prior investments of such separate account in such security taken at market value, would exceed ten percent of the market value of the assets of such separate account: PROVIDED, That the commissioner may waive such limitation if, in his opinion, such waiver will not render the operation of such separate account hazardous to the public or the policyholders in this state.

(c) Unless otherwise permitted by law or approved by the commissioner, no insurer shall purchase or otherwise acquire for its separate accounts the voting securities of any issuer if as a result of such acquisition the insurer and its separate accounts, in the aggregate, will own more than ten percent of the total issued and outstanding voting securities of such issuer: PROVIDED, That the foregoing shall not apply with respect to securities held in separate accounts, the voting rights in which are exercisable only in accordance with instructions from persons having interests in such accounts.

(d) The limitations provided in paragraphs (b) and (c) of this subsection shall not apply to the investment with respect to a separate account in the securities of an investment company registered under the United States Investment Company Act of 1940: PROVIDED, That the investments of such investment company shall comply in substance therewith.

(3) Unless otherwise approved by the commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account: PROVIDED, That unless otherwise approved by the commissioner, the portion, if any, of the assets of such separate account equal to the insurer's reserve liability with regard to the guaranteed benefits and funds referred to in subsection (2) of this section shall be valued in accordance with the rules otherwise applicable to the insurer's assets.

(4) Amounts allocated to a separate account in the exercise of the power granted by this chapter shall be owned by the insurer and the insurer shall not be, nor hold itself out to be, a trustee with respect to such amounts. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the insurer may conduct.

(5) No sale, exchange or other transfer of assets may be made by an insurer between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made (a) by a transfer of cash, or (b) by a transfer of securities having a readily determinable market value: PROVIDED, That such transfer of securities is approved by the commissioner. The commissioner may approve other transfers among such accounts, if, in his opinion, such transfers would not be inequitable.

(6) To the extent such insurer deems it necessary to comply with any applicable federal or state law, such insurer, with respect to any separate account, including without limitation any separate account which is a management investment company or a unit investment trust, may

provide for persons having interest therein, as may be appropriate, voting and other rights and special procedures for the conduct of the business of such account, including without limitation, special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants, and the selection of a committee, the members of which need not be otherwise affiliated with such insurer, to manage the business of such account.

[1973 1st ex.s. c 163 § 4; 1969 c 104 § 2.]

RCW 48.18A.030 Statements required in contracts--Payment on death, incidental benefit provision.

(1) Every variable contract providing benefits payable in variable amounts delivered or issued for delivery in this state shall contain a statement of the essential features of the procedures to be followed by the insurer in determining the dollar amount of such variable benefits. Any such contract under which the benefits vary to reflect investment experience, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will so vary and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

(2) Variable annuity contracts delivered or issued for delivery in this state may include as an incidental benefit provision for payment on death during the deferred period of an amount not in excess of the greater of the sum of the premiums or stipulated payments paid under the contract or the value of the contract at time of death. For this purpose such benefit shall not be deemed to be life insurance and therefore not subject to any statutory provisions governing life insurance contracts. A provision for any other benefits on death during the deferred period will be subject to such insurance law provisions.

[1973 1st ex.s. c 163 § 5; 1969 c 104 § 3.]

RCW 48.18A.035 Return of policy and refund of premium--Notice required--Effect of return.

Every individual variable contract issued shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the market value of the assets purchased by its premium, less taxes and investment brokerage commissions, if any, refunded, if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy owner pursuant to such notice returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

[1983 1st ex.s. c 32 § 7; 1982 c 181 § 15.]

Notes:

Effective date--1982 c 181 § 15: "Section 15 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1982." [1982 c 181 § 26.]

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.18A.040 Requirements for operation under this chapter--Considerations--Authorization of subsidiary or affiliate--Exceptions.

No insurer shall deliver or issue, for delivery within this state, contracts under this chapter unless it is licensed or organized to do a life insurance or annuity business in this state, and unless the commissioner is satisfied that its condition or method of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this state. In this connection, the commissioner shall consider among other things:

- (1) The history and financial condition of the insurer;
- (2) The character, responsibility and fitness of the officers and directors of the insurer;

and

- (3) The law and regulation under which the insurer is authorized in the state of domicile to issue variable contracts.

An insurer which issues variable contracts and which is a subsidiary of, or affiliated through common management or ownership with, another life insurer authorized to do business in this state may be deemed to have met the provisions of this section if either it or the parent or affiliated company meets the requirements hereof: PROVIDED, That no insurer may provide variable benefits in its contracts unless it is an admitted insurer having and continually maintaining a combined capital and surplus of at least five million dollars.

[1982 c 181 § 10; 1969 c 104 § 4.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.18A.050 Applicability of other code provisions--Contract requirements.

The provisions of RCW 48.23.020, 48.23.030, 48.23.080 through 48.23.120, 48.23.140, 48.23.150, 48.23.200 through 48.23.240, 48.23.310, *48.23.350, and 48.23.360, and the provisions of chapter 48.24 RCW shall be inapplicable to variable contracts; nor shall any provision in the code requiring contracts to be participating be deemed applicable to variable contracts. Except as otherwise provided in this chapter, all pertinent provisions of the insurance code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance or individual variable annuity contract delivered or issued for delivery in this state shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such contracts, and any such variable life insurance contract shall provide that the investment experience of the separate account shall in no event operate to reduce the death benefit below an amount equal to

the face amount of the contract at the time the contract was issued. Any individual variable life insurance contract may contain a provision for deduction from the death proceeds of amounts of due and unpaid premiums or of indebtedness which are appropriate to such contracts. The reserve liability for variable annuities shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

[1983 c 3 § 150; 1979 c 157 § 2; 1973 1st ex.s. c 163 § 6; 1969 c 104 § 5.]

Notes:

***Reviser's note:** RCW 48.23.350 was repealed by 1982 1st ex.s. c 9 § 36(2); later enactment, see chapter 48.76 RCW.

RCW 48.18A.060 Licensing requirement.

No person shall be or act as an agent for the solicitation or sale of variable contracts except while duly appointed and licensed under the insurance code as a life insurance agent with respect to the insurer, and while duly licensed as a security salesman or securities broker under a license issued by the director of financial institutions pursuant to the securities act of this state; except that any person who participates only in the sale or offering for sale of variable contracts which fund corporate plans meeting the requirements for qualification under sections 401 or 403 of the United States internal revenue code need not be licensed pursuant to the securities act of this state.

[1994 c 92 § 502; 1973 1st ex.s. c 163 § 7; 1969 c 104 § 6.]

RCW 48.18A.070 Authority of commissioner.

Notwithstanding any other provision of law, the commissioner shall have sole and exclusive authority to regulate the issuance and sale of variable contracts; except for the examination, issuance or renewal, suspension or revocation, of a security salesman's license issued to persons selling variable contracts. To carry out the purposes and provisions of this chapter he or she may independently, and in concert with the director of financial institutions, issue such reasonable rules and regulations as may be appropriate.

[1994 c 92 § 503; 1969 c 104 § 7.]

RCW 48.18A.900 Effective date--1969 c 104.

This 1969 act shall take effect July 1, 1969.

[1969 c 104 § 10.]

**Chapter 48.19 RCW
RATES**

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Notes:

Anti-compact law: RCW 48.30.020.

Discrimination prohibited: RCW 48.18.480.

Rate wars prohibited: RCW 48.30.240.

RCW 48.19.010 Scope of chapter.

(1) Except as is otherwise expressly provided the provisions of this chapter apply to all insurances upon subjects located, resident or to be performed in this state except:

(a) Life insurance;

(b) disability insurance;

(c) reinsurance except as to joint reinsurance as provided in RCW 48.19.360;

(d) insurance against loss of or damage to aircraft, their hulls, accessories, and equipment, or against liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance or use of aircraft;

(e) insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity; and such other risks commonly insured under marine, as distinguished from inland marine, insurance contracts as may be defined by ruling of the commissioner for the purposes of this provision;

(f) title insurance.

(2) Except, that every insurer shall, as to disability insurance, before using file with the commissioner its manual of classification, manual of rules and rates, and any modifications thereof.

[1987 c 185 § 24; 1947 c 79 § .19.01; Rem. Supp. 1947 § 45.19.01.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.19.020 Rate standard.

Premium rates for insurance shall not be excessive, inadequate, or unfairly discriminatory.

[1983 1st ex.s. c 32 § 13; 1947 c 79 § .19.02; Rem. Supp. 1947 § 45.19.02.]

RCW 48.19.030 Making of rates--Criteria.

Rates shall be used, subject to the other provisions of this chapter, only if made in accordance with the following provisions:

(1) In the case of insurances under standard fire policies and that part of marine and

transportation insurances not exempted under RCW 48.19.010, manual, minimum, class or classification rates, rating schedules or rating plans, shall be made and adopted; except as to specific rates on inland marine risks individually rated, which risks are not reasonably susceptible to manual or schedule rating, and which risks by general custom of the business are not written according to manual rates or rating plans.

(2) In the case of casualty and surety insurances:

(a) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(b) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(3) Due consideration in making rates for all insurances shall be given to:

(a) Past and prospective loss experience within this state for experience periods acceptable to the commissioner. If the information is not available or is not statistically credible, an insurer may use loss experience in those states which are likely to produce loss experience similar to that in this state.

(b) Conflagration and catastrophe hazards, where present.

(c) A reasonable margin for underwriting profit and contingencies.

(d) Dividends, savings and unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers.

(e) Past and prospective operating expenses.

(f) Past and prospective investment income.

(g) All other relevant factors within and outside this state.

(4) In addition to other factors required by this section, rates filed by an insurer on its own behalf may also be related to the insurer's plan of operation and plan of risk classification.

(5) Except to the extent necessary to comply with RCW 48.19.020 uniformity among insurers in any matter within the scope of this section is neither required nor prohibited.

[1989 c 25 § 3; 1947 c 79 § .19.03; Rem. Supp. 1947 § 45.19.03.]

Notes:

Effective date--1989 c 25: See note following RCW 48.18.100.

RCW 48.19.040 Filing required--Contents.

(1) Every insurer or rating organization shall, before using, file with the commissioner every classifications manual, manual of rules and rates, rating plan, rating schedule, minimum rate, class rate, and rating rule, and every modification of any of the foregoing which it proposes. The insurer need not so file any rate on individually rated risks as described in subdivision (1) of

RCW 48.19.030; except that any such specific rate made by a rating organization shall be filed.

(2) Every such filing shall indicate the type and extent of the coverage contemplated and must be accompanied by sufficient information to permit the commissioner to determine whether it meets the requirements of this chapter. An insurer or rating organization shall offer in support of any filing:

(a) The experience or judgment of the insurer or rating organization making the filing;

(b) An exhibit detailing the major elements of operating expense for the types of insurance affected by the filing;

(c) An explanation of how investment income has been taken into account in the proposed rates; and

(d) Any other information which the insurer or rating organization deems relevant.

(3) If an insurer has insufficient loss experience to support its proposed rates, it may submit loss experience for similar exposures of other insurers or of a rating organization.

(4) Every such filing shall state its proposed effective date.

(5) A filing made pursuant to this chapter shall be exempt from the provisions of RCW 48.02.120(3). However, the filing and all supporting information accompanying it shall be open to public inspection only after the filing becomes effective.

(6) Where a filing is required no insurer shall make or issue an insurance contract or policy except in accordance with its filing then in effect, except as is provided by RCW 48.19.090.

[1994 c 131 § 8; 1989 c 25 § 4; 1983 1st ex.s. c 32 § 14; 1947 c 79 § .19.04; Rem. Supp. 1947 § 45.19.04.]

Notes:

Effective date--1989 c 25: See note following RCW 48.18.100.

RCW 48.19.043 Forms of commercial property casualty policies--Legislative intent--Issuance prior to filing--Disapproval by commissioner--Definition.

(1) It is the intent of the legislature to assist the purchasers of commercial property casualty insurance by allowing policies to be issued more expeditiously and provide a more competitive market for rates.

(2) Notwithstanding the provisions of RCW 48.19.040(1), commercial property casualty policies may be issued prior to filing the rates. All commercial property casualty rates shall be filed with the commissioner within thirty days after an insurer issues any policy using them.

(3) If, within thirty days after a commercial property casualty rate has been filed, the commissioner finds that the rate does not meet the requirements of this chapter, the commissioner shall disapprove the filing and give notice to the insurer or rating organization that made the filing, specifying how the filing fails to meet the requirements and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. The commissioner may extend the time for review another fifteen days by giving notice to the insurer prior to the expiration of the original thirty-day period.

(4) Upon a final determination of a disapproval of a rate filing under subsection (3) of this section, the insurer shall issue an endorsement changing the rate to comply with the

commissioner's disapproval from the date the rate is no longer effective.

(5) For purposes of this section, "commercial property casualty" means insurance pertaining to a business, profession, or occupation for the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, or 48.11.070.

(6) Except as provided in subsection (4) of this section, the disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval.

(7) In the event a hearing is held on the actions of the commissioner under subsection (3) of this section, the burden of proof shall be on the commissioner.

[1997 c 428 § 2.]

RCW 48.19.050 Filings by rating bureau.

(1) If so authorized by an insurer, the commissioner shall accept, in lieu of filings by the insurer, filings on its behalf made by a rating organization then licensed as provided in this chapter.

(2) As to fire insurance under a standard form fire policy, and the following insurances (other than vehicle insurance coverages) when issued as part of a standard form fire policy, an insurer may so authorize a rating organization to make all [of] its filings only, and may not make a portion of such filings upon its own behalf and authorize a rating organization to make other such filings:

(a) Additional property insurance coverages; or

(b) Coverages including any kind of insurance in addition to fire for a single undivided premium.

(3) Except, that notwithstanding the provisions of subsection (2) an insurer which prior to the first day of January, 1947, made its own filings in this state as to a particular class of fire risks, and its filings in this state as to other classes of fire risks were made by a rating organization authorized by the insurer so to do, may:

(a) Continue to make all [of] its own filings as to such specific class of risks or authorize a rating organization to make its filings as to such specific class of risks or any part thereof; and

(b) Authorize a different rating organization to make all only of its filings [all of its filings only] as to all other classes of risks insured by it in this state against fire under the standard form fire policy; or

(c) Make all [of] its own filings as to all classes of risks insured by it against fire under the standard form fire policy, or make all [of] its own such filings except as to any which may relate to any such specific class of risks, which filings so excepted the insurer may authorize a rating organization to make; or

(d) Authorize a rating organization to make all only of its filings [all of its filings only] as to all classes or risks insured by it against fire in this state under the standard form fire policy.

[1957 c 193 § 13; 1947 c 79 § .19.05; Rem. Supp. 1947 § 45.19.05.]

RCW 48.19.060 Filings--Review, waiting period, disapproval.

(1) The commissioner shall review a filing as soon as reasonably possible after made, to determine whether it meets the requirements of this chapter.

(2) Except as provided in RCW 48.19.070 and 48.19.043:

(a) No such filing shall become effective within thirty days after the date of filing with the commissioner, which period may be extended by the commissioner for an additional period not to exceed fifteen days if he or she gives notice within such waiting period to the insurer or rating organization which made the filing that he or she needs such additional time for the consideration of the filing. The commissioner may, upon application and for cause shown, waive such waiting period or part thereof as to a filing that he or she has not disapproved.

(b) A filing shall be deemed to meet the requirements of this chapter unless disapproved by the commissioner within the waiting period or any extension thereof.

[1997 c 428 § 4; 1989 c 25 § 5; 1947 c 79 § .19.06; Rem. Supp. 1947 § 45.19.06.]

Notes:

Effective date--1989 c 25: See note following RCW 48.18.100.

RCW 48.19.070 Special filings.

The following special filings, when not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this chapter until such time as the commissioner reviews the filing and for so long thereafter as the filing remains in effect:

(1) Special filings with respect to surety or guaranty bonds required by law or by court or executive order or by order, rule or regulation of a public body.

(2) Specific rates on inland marine risks individually rated by a rating organization, which risks are not reasonably susceptible to manual or schedule rating, and which risks by general custom of the business are not written according to manual rates or rating plans.

[1947 c 79 § .19.07; Rem. Supp. 1947 § 45.19.07.]

RCW 48.19.080 Waiver of filing.

Under such rules and regulations as he shall adopt the commissioner may, by order, suspend or modify the requirement of filing as to any kind of insurance. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standard prescribed in RCW 48.19.020.

[1981 c 339 § 18; 1947 c 79 § .19.08; Rem. Supp. 1947 § 45.19.08.]

RCW 48.19.090 Excess rates on specific risks.

Upon written application of the insured, stating his reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable

may be used on any specific risk.

[1947 c 79 § .19.09; Rem. Supp. 1947 § 45.19.09.]

RCW 48.19.100 Disapproval of filing.

If within the waiting period or any extension thereof as provided in RCW 48.19.060, the commissioner finds that a filing does not meet the requirements of this chapter, he shall disapprove such filing, and shall give notice of such disapproval, specifying the respect in which he finds the filing fails to meet such requirements, and stating that the filing shall not become effective, to the insurer or rating organization which made the filing.

[1989 c 25 § 6; 1947 c 79 § .19.10; Rem. Supp. 1947 § 45.19.10.]

Notes:

Effective date--1989 c 25: See note following RCW 48.18.100.

RCW 48.19.110 Disapproval of special filing.

(1) If within thirty days after a special filing subject to RCW 48.19.070 has become effective, the commissioner finds that the filing does not meet the requirements of this chapter, he shall disapprove the filing and shall give notice to the insurer or rating organization which made the filing, specifying in what respects he finds that the filing fails to meet such requirements and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective.

(2) Such disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval.

[1947 c 79 § .19.11; Rem. Supp. 1947 § 45.19.11.]

RCW 48.19.120 Subsequent disapproval.

(1) If at any time subsequent to the applicable review period provided in RCW 48.19.060 or 48.19.110, the commissioner finds that a filing does not meet the requirements of this chapter, he shall, after a hearing, notice of which was given to every insurer and rating organization which made such filing, issue his order specifying in what respect he finds that such filing fails to meet the requirements of this chapter, and stating when, within a reasonable period thereafter, the filings shall be deemed no longer effective.

(2) Such order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

(3) Any person aggrieved with respect to any filing then in effect, other than the insurer or rating organization which made the filing, may make written application to the commissioner for a hearing thereon. The application shall specify the grounds to be relied upon by the applicant. If the commissioner finds that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding the hearing, he shall, within thirty days after receipt of the application, hold a hearing as

required in subsection (1) of this section.

[1989 c 25 § 7; 1983 1st ex.s. c 32 § 15; 1947 c 79 § .19.12; Rem. Supp. 1947 § 45.19.12.]

Notes:

Effective date--1989 c 25: See note following RCW 48.18.100.

RCW 48.19.140 Rating organizations--Discrimination--"Subscriber" defined.

(1) Every rating organization operating in this state shall furnish its services without discrimination as between its subscribers.

(2) "Subscriber," for the purposes of this chapter and where the context does not otherwise specify, means any insurer which employs the services of a rating organization for the purpose of making filings, whether or not the insurer is a "member" of such rating organization.

(3) This chapter is not intended to and does not govern or affect the "membership" relation as such between a rating organization and insurers who are its "members."

[1947 c 79 § .19.14; Rem. Supp. 1947 § 45.19.14.]

RCW 48.19.150 Subscribership not required.

No provision of this code shall require, or be deemed to require, any insurer to be a subscriber of, or in any other respect affiliated with, any rating organization.

[1947 c 79 § .19.15; Rem. Supp. 1947 § 45.19.15.]

RCW 48.19.160 Rating organization license.

No rating organization shall do business in this state or make filings with the commissioner unless then licensed by the commissioner as a rating organization.

[1947 c 79 § .19.16; Rem. Supp. 1947 § 45.19.16.]

RCW 48.19.170 Application for license.

(1) Any person, whether domiciled within or outside this state, except as provided in subsection (2) of this section, may make application to the commissioner for a license as a rating organization for such kinds of insurance or subdivisions thereof, if for casualty or surety insurances, or for such subdivision, class of risks or a part or combination thereof, if for other insurances, as are specified in its application, and shall file therewith:

(a) A copy of its constitution, its articles of agreement or association, or its certificate of incorporation, or trust agreement, and of its bylaws, rules and regulations governing the conduct of its business;

(b) A list of its members and a list of its subscribers;

(c) The name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting such rating organization may be served, and

(d) A statement of its qualifications as a rating organization.

(2) Any rating organization proposing to act as such as to insurance under standard form fire policies, shall be licensed only if all the following conditions are complied with:

(a) The applicant and the operators of such rating organization shall be domiciled in and shall actually reside in this state.

(b) The ownership of such rating organization shall be vested in trustees for all its subscribers under such trust agreement as is approved by the commissioner, and the rating organization shall be and shall be conducted as a nonprofit public service institution.

(c) Such rating organization shall not be connected with any insurer or insurers except to the extent that any such insurer may be a subscriber to its services.

[1947 c 79 § .19.17; Rem. Supp. 1947 § 45.19.17.]

RCW 48.19.180 Issuance of license.

(1) If the commissioner finds that the applicant for a license as a rating organization is competent, trustworthy and otherwise qualified so to act, and that its constitution, articles of agreement or association or certificate of incorporation or trust agreement, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall, upon payment of a license fee of twenty-five dollars, issue a license specifying the kinds of insurance, or subdivisions or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization.

(2) The commissioner shall grant or deny in whole or in part every such application within sixty days of the date of its filing with him.

(3) A license issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the commissioner.

[1947 c 79 § .19.18; Rem. Supp. 1947 § 45.19.18.]

RCW 48.19.190 Suspension or revocation of license.

(1) The commissioner may, after a hearing, suspend or revoke the license issued to a rating organization for any of the following causes:

(a) If he finds that the licensee no longer meets the qualifications for the license.

(b) For failure to comply with an order of the commissioner within the time limited by the order, or any extension thereof which the commissioner may grant.

(2) The commissioner shall not so suspend or revoke a license for failure to comply with an order until the time prescribed by this code for an appeal from such order to the superior court has expired or if such appeal has been taken, until such order has been affirmed.

(3) The commissioner may determine when a suspension or revocation of license shall become effective. A suspension of license shall remain in effect for the period fixed by him, unless he modifies or rescinds the suspension, or until the order, failure to comply with which constituted grounds for the suspension, is modified, rescinded or reversed.

[1947 c 79 § .19.19; Rem. Supp. 1947 § 45.19.19.]

RCW 48.19.200 Notice of changes.

Every rating organization shall notify the commissioner promptly of every change in
(1) its constitution, its articles of agreement or association, or its certificate of incorporation, or trust agreement, and its bylaws, rules and regulations governing the conduct of its business;

(2) its list of members and subscribers;

(3) the name and address of the resident of this state designated by it upon whom notices or orders of the commissioner or process affecting such rating organization may be served.

[1947 c 79 § .19.20; Rem. Supp. 1947 § 45.19.20.]

RCW 48.19.210 Subscribers--Rights, limitations.

(1) Subject to rules and regulations which have been approved by the commissioner as reasonable, each rating organization shall permit any insurer to subscribe to its rating services for any kind of insurance or subdivision thereof, for which it is authorized to act as a rating organization, subject to subsection (2) of RCW 48.19.050.

(2) Notice of proposed changes in such rules and regulations shall be given to each subscriber.

(3) An insurer shall not concurrently be a subscriber to the services of more than one rating organization as to the same subdivision, class of risk or part or combination of a kind of insurance.

(4) As to fire insurance under standard form fire policies, an insurer may not concurrently be a subscriber to the services of more than one rating organization except as provided in subsection (2) of RCW 48.19.050.

[1947 c 79 § .19.21; Rem. Supp. 1947 § 45.19.21.]

RCW 48.19.220 Review of rules and refusal to admit insurers.

(1) The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the commissioner at a hearing held upon notice to the rating organization, and to the subscriber or insurer.

(2) If the commissioner finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers who are not members of the rating organization.

(3) If a rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the commissioner as if the application had been rejected. If the commissioner finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action

of the rating organization was justified, he shall make an order affirming its action.

[1947 c 79 § .19.22; Rem. Supp. 1947 § 45.19.22.]

RCW 48.19.230 Subscriber committees.

The subscribers of any rating organization may, from time to time, individually or through committees representing various subscribers, consult with the rating organization with respect to matters within this chapter which affect such subscribers.

[1947 c 79 § .19.23; Rem. Supp. 1947 § 45.19.23.]

RCW 48.19.240 Rules cannot affect dividends.

No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

[1947 c 79 § .19.24; Rem. Supp. 1947 § 45.19.24.]

RCW 48.19.250 Cooperative activities.

(1) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this chapter is hereby authorized, if the filings resulting from such cooperation are subject to all the provisions of this chapter which are applicable to filings generally.

(2) The commissioner may review such cooperative activities and practices and if, after a hearing, he finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this code, he may issue a written order specifying in what respect such activity or practice is so unfair, unreasonable, or inconsistent, and requiring the discontinuance of such activity or practice.

[1947 c 79 § .19.25; Rem. Supp. 1947 § 45.19.25.]

RCW 48.19.260 Technical services.

Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all subscribers without discrimination.

[1947 c 79 § .19.26; Rem. Supp. 1947 § 45.19.26.]

RCW 48.19.270 Records--Examinations.

Each rating organization shall keep an accurate and complete record of all work performed by it, and of all its receipts and disbursements. Such rating organization and its records shall be examined by the commissioner at such times and in such manner as is provided

in chapter 48.03 RCW of this code.

[1947 c 79 § .19.27; Rem. Supp. 1947 § 45.19.27.]

RCW 48.19.280 Deviations.

(1) Every member or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization. Deviations from the organization's filings are permitted only when filed with the commissioner in accordance with this chapter.

(2) Every such deviation shall terminate upon a material change of the basic rate from which the deviation is made. The commissioner shall determine whether a change of the basic rate is so material as to require such termination of deviations.

[1989 c 25 § 8; 1957 c 193 § 14; 1947 c 79 § .19.28; Rem. Supp. 1947 § 45.19.28.]

Notes:

Effective date--1989 c 25: See note following RCW 48.18.100.

RCW 48.19.290 Appeal from rating organization's action.

(1) Any subscriber to a rating organization may appeal to the commissioner from the rating organization's action or decision in approving or rejecting any proposed change in or addition to the rating organization's filings. The commissioner shall, after a hearing on the appeal:

(a) Issue an order approving the rating organization's action or decision or directing it to give further consideration to such proposal; or

(b) If the appeal is from the rating organization's action or decision in rejecting a proposed addition to its filings, he may, in event he finds that the action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its subscribers, in a manner consistent with his findings, within a reasonable time after the issuance of such order.

(2) If such appeal is based upon the rating organization's failure to make a filing on behalf of such subscriber which is based on a system of expense provisions which differs, in accordance with the right granted in subdivision (2) of RCW 48.19.030, from the system of expense provisions included in a filing made by the rating organization, the commissioner shall, if he grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding the appeal the commissioner shall apply the standards set forth in RCW 48.19.020 and 48.19.030.

[1947 c 79 § .19.29; Rem. Supp. 1947 § 45.19.29.]

RCW 48.19.300 Service to insureds.

Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized

representative of such insured, all pertinent information as to such rate.

[1947 c 79 § .19.30; Rem. Supp. 1947 § 45.19.30.]

RCW 48.19.310 Complaints of insureds.

Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the commissioner, who, after a hearing held upon notice to the appellant and to the rating organization or insurer, may affirm or reverse such action.

[1947 c 79 § .19.31; Rem. Supp. 1947 § 45.19.31.]

RCW 48.19.320 Advisory organizations--Definition.

(1) Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this chapter, shall be known as an advisory organization.

(2) This section does not apply to subscribers' committees provided for in RCW 48.19.230.

[1947 c 79 § .19.32; Rem. Supp. 1947 § 45.19.32.]

RCW 48.19.330 Requisites of advisory organization.

Every advisory organization before serving as such to any rating organization or independently filing insurer doing business in this state, shall file with the commissioner:

(1) A copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its bylaws, rules and regulations governing its activities;

(2) A list of its members;

(3) The name and address of a resident of this state upon whom notices or orders of the commissioner or process issued at his direction may be served; and

(4) An agreement that the commissioner may examine such advisory organization in accordance with the provisions of RCW 48.03.010.

[1947 c 79 § .19.33; Rem. Supp. 1947 § 45.19.33.]

RCW 48.19.340 Desist orders.

If, after a hearing, the commissioner finds that the furnishing of information or assistance by an advisory organization, as referred to in RCW 48.19.320, involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this code, he may issue a written order specifying in what respect such act or practice is unfair or unreasonable or so otherwise inconsistent, and requiring the discontinuance of such act or practice.

[1947 c 79 § .19.34; Rem. Supp. 1947 § 45.19.34.]

RCW 48.19.350 Disqualification of data.

No insurer which makes its own filing nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this chapter or with any order of the commissioner involving such statistics or recommendations issued under RCW 48.19.340. If the commissioner finds such insurer or rating organization to be in violation of this section he may issue an order requiring the discontinuance of the violation.

[1947 c 79 § .19.35; Rem. Supp. 1947 § 45.19.35.]

RCW 48.19.360 Joint underwriting or joint reinsurance.

(1) Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as is provided in this section, subject, however, with respect to joint underwriting, to all other provisions of this chapter, and, with respect to joint reinsurance, to RCW 48.19.270, 48.01.080 and 48.19.430; and to chapter 48.03 RCW of this code.

(2) If, after a hearing, the commissioner finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this chapter, he may issue a written order specifying in what respects such activity or practice is unfair, or unreasonable or so inconsistent, and requiring the discontinuance of the activity or practice.

[1947 c 79 § .19.36; Rem. Supp. 1947 § 45.19.36.]

RCW 48.19.370 Recording and reporting of loss and expense experience.

(1) The commissioner shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid him in determining whether rating systems comply with the standards set forth in RCW 48.19.020 and 48.19.030. Such rules and plans may also provide for the recording and reporting of expense experience

items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience.

(2) In promulgating such rules and plans, the commissioner shall give due consideration to the rating systems on file with him and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states.

(3) No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it.

(4) The commissioner may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the commissioner, to insurers and rating organizations.

(5) Reasonable rules and plans may be promulgated by the commissioner for the interchange of data necessary for the application of rating plans.

[1947 c 79 § .19.37; Rem. Supp. 1947 § 45.19.37.]

RCW 48.19.380 Exchange of information.

Every rating organization and insurer may exchange information and experience data with insurers and rating organizations in this and other states and may consult with them with respect to rate making and the application of rating systems.

[1947 c 79 § .19.38; Rem. Supp. 1947 § 45.19.38.]

RCW 48.19.390 False or misleading information.

No person shall wilfully withhold information from, or knowingly give false or misleading information to, the commissioner, any statistical agency designated by the commissioner, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this chapter.

[1947 c 79 § .19.39; Rem. Supp. 1947 § 45.19.39.]

RCW 48.19.400 Assigned risks.

Agreements may be made among casualty insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the commissioner.

[1947 c 79 § .19.40; Rem. Supp. 1947 § 45.19.40.]

RCW 48.19.410 Examination of contracts.

(1) The commissioner may permit the organization and operation of examining bureaus for the examination of policies, daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or of the cancellation thereof, for the purpose of ascertaining that lawful rates are being charged.

(2) A bureau shall examine documents with regard to such kinds of insurance as the commissioner may, after hearing, reasonably require to be submitted for examination. A bureau may examine documents as to such other kinds of insurance as the issuing insurers may voluntarily submit for examination. Upon request of the commissioner, a bureau shall also examine affidavits filed pursuant to RCW 48.15.040, surplus lines contracts and related documents, and shall make recommendations to the commissioner to assist the commissioner in determining whether surplus lines have been procured in accordance with chapter 48.15 RCW and rules issued thereunder.

(3) No bureau shall operate unless licensed by the commissioner as to the kinds of insurance as to which it is permitted so to examine. To qualify for a license a bureau shall:

(a) Be owned in trust for the benefit of all the insurers regularly using its services, under a trust agreement approved by the commissioner.

(b) Make its services available without discrimination to all authorized insurers applying therefor, subject to such reasonable rules and regulations as to the obligations of insurers using its services, as to the conduct of its affairs, and as to the correction of errors and omissions in documents examined by it as are approved by the commissioner.

(c) Have no manager or other employee who is an employee of an insurer other than to the extent that he is an employee of the bureau owned by insurers through such trust agreement.

(d) Pay to the commissioner a fee of ten dollars for issuance of its license.

(4) Such license shall be of indefinite duration and shall remain in force until revoked by the commissioner or terminated at the request of the bureau. The commissioner may revoke the license, after hearing,

(a) if the bureau is no longer qualified therefor;

(b) if the bureau fails to comply with a proper order of the commissioner;

(c) if the bureau violates or knowingly participates in the violation of any provision of this code.

(5) Any person aggrieved by any rule, regulation, act or omission of a bureau may appeal to the commissioner therefrom. The commissioner shall hold a hearing upon such appeal, and shall make such order upon the hearing as he deems to be proper.

(6) Every such bureau operating in this state shall be subject to the supervision of the commissioner, and the commissioner shall examine it as provided in chapter 48.03 RCW of this code.

(7) Every examining bureau shall keep adequate records of the outstanding errors and omissions found in coverages examined by it and of its receipts and disbursements, and shall hold as confidential all information contained in documents submitted to it for examination.

(8) The commissioner shall not license an additional bureau for the examination of

documents relative to a kind of insurance if such documents are being examined by a then existing licensed bureau. Any examining bureau operating in this state immediately prior to the effective date of this code under any law of this state repealed as of such date, shall have prior right to apply for and secure a license under this section.

[1983 1st ex.s. c 32 § 8; 1947 c 79 § .19.41; Rem. Supp. 1947 § 45.19.41.]

RCW 48.19.420 Rate agreements.

Two or more insurers mutually may agree to adhere to rates, rating plans, rating systems or underwriting practices or uniform modifications thereof, all subject to the following conditions:

(1) All of the terms of the agreements shall be in writing executed on behalf of each such insurer.

(2) An executed copy of every such written agreement and of every modification thereof shall be filed with the commissioner.

(3) Within a reasonable length of time after every such filing, the commissioner shall either approve or disapprove such agreement or modification. No such agreement or modification shall be effective unless and until approved by the commissioner.

(4) The commissioner shall not approve any such agreement or modification which:

(a) Constitutes or would tend to result in an unreasonable restraint upon free competition;

(b) contains terms otherwise tending to injure the public interest.

(5) No cause of action shall lie in favor of any insurer which is party to any such agreement against any other insurer party thereto on account of any breach thereof.

(6) All rate filings covered by such agreement shall be subject to the provisions of this chapter or of other applicable law.

(7) The commissioner may after a hearing thereon and for cause withdraw any approval previously given any such agreement or modification.

[1947 c 79 § .19.42; Rem. Supp. 1947 § 45.19.42.]

RCW 48.19.430 Penalties.

Any person violating any provision of this chapter shall be subject to a penalty of not more than fifty dollars for each such violation, but if such violation is found to be wilful a penalty of not more than five hundred dollars for each such violation may be imposed. Such penalties may be in addition to any other penalty provided by law.

[1947 c 79 § .19.43; Rem. Supp. 1947 § 45.19.43.]

RCW 48.19.450 Casualty rate filing--Credit.

The commissioner shall, in reviewing a casualty rate filing, determine in accordance with sound and reliable actuarial principles whether chapter 305, Laws of 1986 requires an insurer to

grant its policyholders a credit in such casualty rate filing. Upon determining that data in support of such a credit is actuarially credible, the commissioner shall approve or disapprove such casualty rate filing in accordance therewith. The commissioner shall not approve any casualty rate that is inadequate, excessive, or unfairly discriminatory.

[1986 c 305 § 907.]

Notes:

Preamble--Report to legislature--Applicability--Severability--1986 c 305: See notes following RCW 4.16.160.

RCW 48.19.460 Automobile insurance--Premium reductions for older insureds completing accident prevention course.

Any schedule of rates or rating plan for automobile liability and physical damage insurance submitted to or filed with the commissioner shall provide for an appropriate reduction in premium charges except for underinsured motorist coverage for those insureds who are fifty-five years of age and older, for a two-year period after successfully completing a motor vehicle accident prevention course meeting the criteria of the department of licensing with a minimum of eight hours, or additional hours as determined by rule of the department of licensing. An eight-hour program-learning self-instruction course shall be made available in areas in which a classroom course meeting the criteria of this section is not offered. The classroom course may be conducted by a public or private agency approved by the department. The self-instruction course shall be conducted by an agency approved by the department to conduct classroom courses under this section.

[1987 c 377 § 1; 1986 c 235 § 1.]

RCW 48.19.470 Automobile insurance--Premium reductions for persons eligible under RCW 48.19.460.

All insurance companies writing automobile liability and physical damage insurance in this state shall allow an appropriate reduction in premium charges except for underinsured motorist coverage to all eligible persons subject to RCW 48.19.460.

[1986 c 235 § 2.]

RCW 48.19.480 Automobile insurance--Completion of accident prevention course, certificate.

Upon successfully completing the approved course, each participant shall be issued by the course's sponsoring agency, a certificate that shall be the basis of qualification for the discount on insurance.

[1986 c 235 § 3.]

RCW 48.19.490 Automobile insurance--Continued eligibility for discount.

Each participant shall take an approved course every two years to continue to be eligible for the discount on insurance.

[1986 c 235 § 4.]

RCW 48.19.500 Motor vehicle insurance--Seat belts, etc.

Due consideration in making rates for motor vehicle insurance shall be given to any anticipated change in losses that may be attributable to the use of seat belts, child restraints, and other lifesaving devices. An exhibit detailing these changes and any credits or discounts resulting from any such changes shall be included in each filing pertaining to private passenger automobile (or motor vehicle) insurance.

[1989 c 11 § 20; 1987 c 310 § 1.]

Notes:

Severability--1989 c 11: See note following RCW 9A.56.220.

RCW 48.19.501 Motor vehicle insurance--Anti-theft devices--Lights--Multiple vehicles.

Due consideration in making rates for motor vehicle insurance shall be given to:

(1) Any anticipated change in losses that may be attributable to the use of properly installed and maintained anti-theft devices in the insured private passenger automobile. An exhibit detailing these losses and any credits or discounts resulting from any such changes shall be included in each filing pertaining to private passenger automobile (or motor vehicle) insurance.

(2) Any anticipated change in losses that may be attributable to the use of lights and lighting devices that have been proven effective in increasing the visibility of motor vehicles during daytime or in poor visibility conditions and to the use of rear stop lights that have been proven effective in reducing rear-end collisions. An exhibit detailing these losses and any credits or discounts resulting from any such changes shall be included in each filing pertaining to private passenger automobile (or motor vehicle) insurance.

(3) Any anticipated change in losses per vehicle covered that may be attributable to the fact that the insured has more vehicles covered under the policy than there are insured drivers in the same household. An exhibit detailing these changes and any credits or discounts resulting from any such changes shall be included in each filing pertaining to private passenger automobile (or motor vehicle) insurance.

[1989 c 11 § 21; 1987 c 320 § 1.]

Notes:

Severability--1989 c 11: See note following RCW 9A.56.220.

Effective date--1987 c 320: "This act shall take effect on January 1, 1988." [1987 c 320 § 2.]

Chapter 48.20 RCW
DISABILITY INSURANCE

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Notes:

Approval of policy forms: RCW 48.18.100.

Assignment of policies: RCW 48.18.360.

Exemption of proceeds: RCW 48.18.400.

General provisions regarding filing, approval, contents of policies, execution, applications, etc.: Chapter 48.18 RCW.

Grounds for disapproval of policy forms: RCW 48.18.110.

Insurable interest, personal insurance, nonprofit organizations: RCW 48.18.030.

Minimum standard conditions and terminology for disability policies, established by commissioner: RCW 48.18.120(2).

Minor contracting for life or disability insurance: RCW 48.18.020.

Payment to person designated in policy or by assignment discharges insurer: RCW 48.18.370.

Rates, manuals, classifications--Filing: RCW 48.19.010(2).

Refusal to renew or cancellation of disability insurance: RCW 48.18.298, 48.18.299.

RCW 48.20.002 Scope of chapter.

Nothing in this chapter shall apply to or affect (1) any policy of workers' compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; or (2) any policy or contract of reinsurance; or (3) any blanket or group policy of insurance; or (4) life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance as (a)

provide additional benefits in case of death or dismemberment or loss of sight by accident, or as (b) operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.

[1987 c 185 § 25; 1951 c 229 § 1.]

Notes:

Reviser's note: For prior laws governing standard provision requirements for individual accident or health insurance policies see 1947 c 79 §§ .20.01 through .20.33 and .20.37 and Rem. Supp. 1947 §§ 45.20.01 through 45.20.33 and 45.20.37.

Many of the sections enacted in 1951 c 229 are in substance amendatory of sections previously appearing in chapter 48.20 RCW, although they appear in 1951 c 229 as new sections. To assist those using the code, the prior enactment on the same subject is shown in the history note following the new section wherever practical.

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.20.012 Format of disability policies.

No disability policy shall be delivered or issued for delivery to any person in this state unless it otherwise complies with this code, and complies with the following:

(1) It shall purport to insure only one person, except as to family expense insurance written pursuant to RCW 48.20.340.

(2) The style, arrangement and over-all appearance of the policy shall give no undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers shall be plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and caption and subcaptions).

(3) The exceptions and reductions of indemnity shall be set forth in the policy and, other than those contained in RCW 48.20.042 to 48.20.272, inclusive, shall be printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "Exceptions," or "Exceptions and reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.

(4) Each such form, including riders and endorsements, shall be identified by a form number in the lower left hand corner of the first page thereof.

(5) It shall contain no provision purporting to make any portion of the insurer's charter, rules, constitution, or bylaws a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

[1951 c 229 § 2; 1947 c 79 § .20.02; formerly Rem. Supp. 1949 § 45.20.02.]

RCW 48.20.013 Return of policy and refund of premium--Notice required--Effect of return.

Every individual disability insurance policy issued after January 1, 1968, except single premium nonrenewable policies, shall have printed on its face or attached thereto a notice stating in substance that the person to whom the policy is issued shall be permitted to return the policy within ten days of its delivery to the purchaser and to have the premium paid refunded if, after examination of the policy, the purchaser is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy holder or purchaser pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

[1983 1st ex.s. c 32 § 9; 1967 c 150 § 26.]

RCW 48.20.015 Endorsements.

If a contract is issued on any basis other than as applied for, an endorsement setting forth such modification(s) must accompany and be attached to the policy; and no endorsement shall be effective unless signed by the policyowner, and a signed copy thereof returned to the insurer.

[1975 1st ex.s. c 266 § 9.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.20.022 Policies issued by domestic insurer for delivery in another state.

If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public official of such other state has advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the applicable standards set forth in this chapter and in chapter 48.18 RCW.

[1951 c 229 § 3.]

RCW 48.20.025 Schedule of rates for individual health benefit plans--Loss ratio--Remittance of premiums--Definitions.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the insurer of health care services, as defined in RCW 48.43.005, provided to a policyholder or paid to or on behalf of the policyholder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care

services for a policyholder.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) An insurer shall file, for informational purposes only, a notice of its schedule of rates for its individual health benefit plans with the commissioner prior to use.

(3) An insurer shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the insurer's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the insurer's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any insurer issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the insurer.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written

demand of either the commissioner or the insurer, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The insurer shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.0201.

[2001 c 196 § 1; 2000 c 79 § 3.]

NOTES:

Effective date--2001 c 196: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 2001]." [2001 c 196 § 14.]

Effective date--Severability--2000 c 79: See notes following RCW 48.04.010.

RCW 48.20.028 Calculation of premiums--Adjusted community rating method--Definitions.

(1) Premiums for health benefit plans for individuals shall be calculated using the adjusted community rating method that spreads financial risk across the carrier's entire individual product population. All such rates shall conform to the following:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045.

(3) As used in this section, "health benefit plan," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

[2000 c 79 § 4; 1997 c 231 § 207; 1995 c 265 § 13.]

Notes:

Effective date--Severability--2000 c 79: See notes following RCW 48.04.010.

Short title--Part headings and captions not law--Severability--Effective dates--1997 c 231: See notes following RCW 48.43.005.

Captions not law--Effective dates--Savings--Severability--1995 c 265: See notes following RCW 70.47.015.

RCW 48.20.032 Standard provisions required--Substitutions--Captions.

Except as provided in RCW 48.18.130, each such policy delivered or issued for delivery to any person in this state shall contain the provisions as specified in RCW 48.20.042 to 48.20.152, inclusive, in the words in which the same appear; except, that the insurer may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision shall be preceded by the applicable caption shown or, at the insurer's option, by such appropriate individual or group caption or

subcaption as the commissioner may approve.

[1951 c 229 § 4; 1947 c 79 § .20.03; formerly Rem. Supp. 1947 § 45.20.03.]

RCW 48.20.042 Standard provision No. 1--Entire contract; changes.

There shall be a provision as follows:

ENTIRE CONTRACTS; CHANGES: This policy, including the endorsements and attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions.

[1951 c 229 § 5. Prior law: (i) 1947 c 79 § .20.05; Rem. Supp. 1947 § 45.20.05. (ii) 1947 c 79 § .20.06; Rem. Supp. 1947 § 45.20.06.]

RCW 48.20.050 Standard provision No. 2--Misstatement of age or sex.

There shall be a provision as follows:

"MISSTATEMENT OF AGE OR SEX: If the age or sex of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age or sex."

The amount of any underpayments which may have been made on account of any such misstatement under a disability income policy shall be paid the insured along with the current payment and the amount of any overpayment may be charged against the current or succeeding payments to be made by the insurer. Interest may be applied to such underpayments or overpayments as specified in the insurance policy form but not exceeding six percent per annum.

[1983 1st ex.s. c 32 § 16.]

RCW 48.20.052 Standard provision No. 3--Time limit on certain defenses.

There shall be a provision as follows:

"TIME LIMIT ON CERTAIN DEFENSES: (a) After two years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two year period."

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of RCW 48.20.050, 48.20.172, 48.20.192, 48.20.202, and 48.20.212 in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option)

under the caption "INCONTESTABLE":

"After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application."

"(b) No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy."

(More stringent provisions may be required by the commissioner in connection with individual disability policies sold without any application or with minimal applications.)

[1983 1st ex.s. c 32 § 17; 1975 1st ex.s. c 266 § 12; 1973 1st ex.s. c 152 § 4; 1969 ex.s. c 241 § 12; 1951 c 229 § 6.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

Severability--1973 1st ex.s. c 152: See note following RCW 48.05.140.

RCW 48.20.062 Standard provision No. 4--Grace period.

There shall be a provision as follows:

GRACE PERIOD: A grace period of . . . (insert a number not less than "7" for weekly premium policies, "10" for monthly premium policies, and "31" for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force.

(A policy which contains a cancellation provision may add, at the end of the above provision: "subject to the right of the insurer to cancel in accordance with the cancellation provision hereof.")

A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision: "Unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted.")

[1951 c 229 § 7.]

RCW 48.20.072 Standard provision No. 5--Reinstatement.

There shall be a provision as follows:

REINSTATEMENT: If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy: PROVIDED, HOWEVER, That if the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the

insurer or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty days prior to the date of reinstatement.

(The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue.)

[1951 c 229 § 8; 1947 c 79 § .20.07; formerly Rem. Supp. 1947 § 45.20.07.]

RCW 48.20.082 Standard provision No. 6--Notice of claim.

There shall be a provision as follows:

NOTICE OF CLAIM: Written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at (insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer.

(In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the above provision:

"Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given.")

[1951 c 229 § 9. Prior law: 1947 c 79 § .20.08; Rem. Supp. 1947 § 45.20.08.]

RCW 48.20.092 Standard provision No. 7--Claim forms.

There shall be a provision as follows:

CLAIM FORMS: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss written proof covering the occurrence, the character and the extent of the loss for which claim is made.

[1951 c 229 § 10; 1947 c 79 § .20.10; formerly Rem. Supp. 1947 § 45.20.10.]

Notes:

Furnishing claim forms does not constitute waiver of any defense by insurer: RCW 48.18.470.

Insurer has no responsibility as to completion of claim forms: RCW 48.18.460.

RCW 48.20.102 Standard provision No. 8--Proofs of loss.

There shall be a provision as follows:

PROOFS OF LOSS: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required.

[1951 c 229 § 11. Prior: (i) 1947 c 79 § .20.11; Rem. Supp. 1947 § 45.20.11. (ii) 1947 c 79 § .20.09, part; Rem. Supp. 1947 § 45.20.09, part.]

RCW 48.20.112 Standard provision No. 9--Time of payment of claims.

There shall be a provision as follows:

TIME OF PAYMENT OF CLAIMS: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof.

[1951 c 229 § 12. Prior: (i) 1947 c 79 § .20.13; Rem. Supp. 1947 § 45.20.13. (ii) 1947 c 79 § .20.14; Rem. Supp. 1947 § 45.20.14.]

RCW 48.20.122 Standard provision No. 10--Payment of claims.

(1) There shall be a provision as follows:

PAYMENT OF CLAIMS: Indemnity for loss of life will be payable in accordance with

the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured.

(2) The following provisions, or either of them, may be included with the foregoing provision at the option of the insurer:

"If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding \$. (insert an amount which shall not exceed \$1000), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment."

"Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person."

[1951 c 229 § 13. Prior: 1947 c 79 § .20.15; Rem. Supp. 1947 § 45.20.15.]

Notes:

Proceeds of disability policy are exempt from creditors: RCW 48.18.400.

RCW 48.20.132 Standard provision No. 11--Physical examination and autopsy.

There shall be a provision as follows:

PHYSICAL EXAMINATIONS AND AUTOPSY: The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law.

[1951 c 229 § 14. Prior: 1947 c 79 § .20.12; Rem. Supp. 1947 § 45.20.12.]

RCW 48.20.142 Standard provision No. 12--Legal actions.

There shall be a provision as follows:

LEGAL ACTIONS: No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished.

[1951 c 229 § 15. Prior: 1947 c 79 § .20.18; Rem. Supp. 1947 § 45.20.18.]

RCW 48.20.152 Standard provision No. 13--Change of beneficiary.

There shall be a provision as follows:

CHANGE OF BENEFICIARY: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy.

(The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.)

[1951 c 229 § 16. Prior: 1947 c 79 § .20.17; Rem. Supp. 1947 § 45.20.17.]

RCW 48.20.162 Optional standard provisions.

Except as provided in RCW 48.18.130, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth in RCW 48.20.172 to 48.20.272, inclusive, unless such provisions are in the words in which the same appear in the applicable section; except, that the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption or, at the insurer's option, by such appropriate individual or group caption or subcaption as the commissioner may approve.

[1951 c 229 § 17. Prior: 1947 c 79 § .20.20; Rem. Supp. 1947 § 45.20.20.]

RCW 48.20.172 Optional standard provision No. 14--Change of occupation.

There may be a provision as follows:

CHANGE OF OCCUPATION: If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such

filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation.

[1951 c 229 § 18.]

RCW 48.20.192 Optional standard provision No. 15--Other insurance in this insurer.

There may be a provision as follows:

OTHER INSURANCE IN THIS INSURER: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for (insert type of coverage or coverages) in excess of \$. (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate.

Or, in lieu thereof:

Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all other such policies.

[1951 c 229 § 20. Prior: 1947 c 79 § .20.24; Rem. Supp. 1947 § 45.20.24.]

RCW 48.20.202 Optional standard provision No. 16--Insurance with other insurers (Provision of service or expense incurred basis).

(1) There may be a provision as follows:

INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or on an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability under any expense incurred coverage of this policy shall be for such proportion of the loss as the amount which would otherwise have been payable hereunder plus the total of the like amounts under all such other valid coverages for the same loss of which this insurer had notice bears to the total like amounts under all valid coverages for such loss, and for the return of such portion of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the purpose of applying this provision when other coverage is on a provision of service basis, the "like amount" of such other coverage shall be taken as the amount which the services rendered would have cost in the absence of such coverage.

(2) If the foregoing policy provision is included in a policy which also contains the policy provision set out in RCW 48.20.212, there shall be added to the caption of the foregoing provision the phrase ". expense incurred benefits." The insurer may, at its option, include in this provision a definition of "other valid coverage," approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any

other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organizations or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workers' compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage."

[1987 c 185 § 26; 1951 c 229 § 21. Prior: 1947 c 79 § .20.22; Rem. Supp. 1947 § 45.20.22.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.20.212 Optional standard provision No. 17--Insurance with other insurers.

(1) There may be a provision as follows:

INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined.

(2) If the foregoing policy provision is included in a policy which also contains the policy provision set out in RCW 48.20.202, there shall be added to the caption of the foregoing provision the phrase ". . . . other benefits." The insurer may, at its option, include in this provision a definition of "other valid coverage," approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workers' compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage."

[1987 c 185 § 27; 1951 c 229 § 22. Prior: 1947 c 79 § .20,22; Rem. Supp. 1947 § 45.20,22.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.20.222 Optional standard provision No. 18--Relation of earnings to insurance.

(1) There may be a provision as follows:

RELATION OF EARNINGS TO INSURANCE: If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of two hundred dollars or the sum of the monthly benefits specified in such coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time.

(2) The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (a) until at least age 50 or, (b) in the case of a policy issued after age 44, for at least five years from its date of issue. The insurer may, at its option, include in this provision a definition of "valid loss of time coverage," approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the commissioner or any combination of such coverages. In the absence of such definition such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workers' compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.

[1987 c 185 § 28; 1951 c 229 § 23.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.20.232 Optional standard provision No. 19--Unpaid premium.

There may be a provision as follows:

UNPAID PREMIUM: Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

[1951 c 229 § 24. Prior: 1947 c 79 § .20.23; Rem. Supp. 1947 § 45.20.23.]

RCW 48.20.242 Optional standard provision No. 20--Cancellation.

There may be a provision as follows:

CANCELLATION: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than five days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation.

[1951 c 229 § 25. Prior: 1947 c 79 § .20.21; Rem. Supp. 1947 § 45.20.21.]

RCW 48.20.252 Optional standard provision No. 21--Conformity with state statutes.

There may be a provision as follows:

CONFORMITY WITH STATE STATUTES: Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured resides on such date is hereby amended to conform to the minimum requirements of such statutes.

[1951 c 229 § 26.]

RCW 48.20.262 Optional standard provision No. 22--Illegal occupation.

There may be a provision as follows:

ILLEGAL OCCUPATION: The insurer shall not be liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation.

[1951 c 229 § 27. Prior: 1947 c 79 § .20.26; Rem. Supp. 1947 § 45.20.26.]

RCW 48.20.272 Optional standard provision No. 23--Intoxicants and narcotics.

There may be a provision as follows:

INTOXICANTS AND NARCOTICS: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence

of any narcotic unless administered on the advice of a physician.

[1951 c 229 § 28. Prior: 1947 c 79 § .20.27; Rem. Supp. 1947 § 45.20.27.]

RCW 48.20.282 Order of certain policy provisions.

The provisions which are the subject of RCW 48.20.042 to 48.20.272, inclusive, or any corresponding provisions which are used in lieu thereof in accordance with such sections, shall be printed in the consecutive order of the provisions in such sections or, at the insurer's option, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

[1951 c 229 § 29.]

RCW 48.20.292 Third party ownership.

The word "insured," as used in this chapter, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

[1951 c 229 § 30.]

Notes:

Insurable interest defined, personal insurance, nonprofit organizations: RCW 48.18.030.

RCW 48.20.302 Requirements of other jurisdictions.

(1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or to the beneficiary than the provisions of this chapter and which is prescribed or required by the laws of the state under which the insurer is organized.

(2) Any policy of a domestic insurer may, when issued for delivery in any other state or country, contain any provision permitted or required by the laws of such other state or country.

[1951 c 229 § 31.]

Notes:

Domestic insurer may transact insurance in other state as permitted by laws thereof: RCW 48.07.140.

RCW 48.20.312 Age limit.

If any such policy contains a provision establishing, as an age limit or otherwise, a date after which the coverage provided by the policy will not be effective, and if such date falls within a period for which premium is accepted by the insurer or if the insurer accepts a premium

after such date, the coverage provided by the policy will continue in force subject to any right of cancellation until the end of the period for which premium has been accepted. In the event the age of the insured has been misstated and if, according to the correct age of the insured, the coverage provided by the policy would not have become effective, or would have ceased prior to the acceptance of such premium or premiums, then the liability of the insurer shall be limited to the refund, upon request, of all premiums paid for the period not covered by the policy.

[1951 c 229 § 32. Prior: 1947 c 79 § .20.25; Rem. Supp. 1947 § 45.20.25.]

RCW 48.20.322 Effective date of standard provision and certain other sections--Five year period.

The provisions contained in RCW 48.20.002 to 48.20.322, inclusive, shall take effect on September 1, 1951. A policy, rider or endorsement, which could have been lawfully used or delivered or issued for delivery to any person in this state immediately before such effective date may be used or delivered or issued for delivery to any such person during five years after such effective date.

[1951 c 229 § 33.]

RCW 48.20.340 "Family expense disability insurance" defined.

(1) Family expense disability insurance is that covering members of any one family including one or both spouses and dependents provided under a master policy issued to the head of the family.

(2) Any authorized disability insurer may issue family expense disability insurance.

(3) A disability policy providing such family expense coverage, in addition to other provisions required to be contained in disability policies under this chapter, shall contain the following provisions:

(a) A provision that the policy and the application of the head of the family shall constitute the entire contract between the parties.

(b) A provision that to the family group originally insured shall, on notice to the insurer, be added from time to time all new members of the family as they become eligible for insurance in such family group, and on the payment of such additional premium as may be required therefor.

[1961 c 194 § 5; 1947 c 79 § .20.34; Rem. Supp. 1947 § 45.20.34.]

RCW 48.20.350 "Franchise plan" defined.

(1) Disability insurance on a franchise plan is that issued to

(a) five or more employees of a common employer, or to

(b) ten or more members of any bona fide trade or professional association or labor union, which association or union was formed and exists for purposes other than that of

obtaining insurance, and under which such employees or members, with or without their dependents, are issued individual policies which may vary as to amounts and kinds of coverage as applied for, under an arrangement whereby the premiums on the policies are to be paid to the insurer periodically by the employer, with or without payroll deductions, or by the association, or by some designated employee or officer of the association acting on behalf of the employer or association members.

(2) An insurer may charge different rates, provide different benefits, or employ different underwriting procedure for individuals insured under a franchise plan, if such rates, benefits, or procedures as used do not discriminate as between franchise plans, and do not discriminate unfairly as between individuals insured under franchise plans and individuals otherwise insured under similar policies.

[1947 c 79 § .20.35; Rem. Supp. 1947 § 45.20.35.]

RCW 48.20.360 Extended disability benefit.

A disability insurance contract which provides a reasonable amount of disability indemnity for both accidental injuries and sickness, other than a contract of group or blanket insurance, may provide a benefit in amount not exceeding two hundred dollars payable in event of death from any causes. Such benefit shall be deemed to constitute the payment of disability benefits beyond the period for which otherwise payable, and shall not be deemed to constitute life insurance.

[1947 c 79 § .20.36; Rem. Supp. 1947 § 45.20.36.]

RCW 48.20.380 Incontestability after reinstatement.

The reinstatement of any policy of noncancellable disability insurance hereafter delivered or issued for delivery in this state shall be contestable only on account of fraud or misrepresentation of facts material to the reinstatement and only for the same period following reinstatement as is provided in the policy with respect to the contestability thereof after the original issuance of the policy.

[1947 c 79 § .20.38; Rem. Supp. 1947 § 45.20.38.]

RCW 48.20.390 Chiropody.

Notwithstanding any provision of any disability insurance contract, benefits shall not be denied thereunder for any medical or surgical service performed by a holder of a license issued pursuant to chapter 18.22 RCW provided that (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW.

[1963 c 87 § 1.]

Notes:

Application--1963 c 87: "This act shall apply to all contracts issued on or after the effective date of this act." [1963 c 87 § 3.]

RCW 48.20.391 Diabetes coverage.

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028.

[1997 c 276 § 2.]

Notes:

Effective date--1997 c 276: See note following RCW 41.05.185.

RCW 48.20.393 Mammograms--Insurance coverage.

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

[1994 sp.s. c 9 § 728; 1989 c 338 § 1.]

Notes:

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 48.20.395 Reconstructive breast surgery.

(1) Any disability insurance contract providing hospital and medical expenses and health care services delivered or issued in this state after July 24, 1983, shall provide coverage for reconstructive breast surgery resulting from a mastectomy which resulted from disease, illness, or injury.

(2) Any disability insurance contract providing hospital and medical expenses and health care services delivered or issued in this state after January 1, 1986, shall provide coverage for all stages of one reconstructive breast reduction on the nondiseased breast to make it equal in size with the diseased breast after definitive reconstructive surgery on the diseased breast has been performed.

[1985 c 54 § 5; 1983 c 113 § 1.]

Notes:

Effective date--1985 c 54: See note following RCW 48.20.397.

RCW 48.20.397 Mastectomy, lumpectomy.

No person engaged in the business of insurance under this chapter may refuse to issue any contract of insurance or cancel or decline to renew the contract solely because of a

mastectomy or lumpectomy performed on the insured or prospective insured more than five years previously. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased, or reduced solely on the basis of a mastectomy or lumpectomy performed on the insured or prospective insured more than five years previously.

[1985 c 54 § 1.]

Notes:

Effective date--1985 c 54: "This act shall take effect January 1, 1986." [1985 c 54 § 9.]

RCW 48.20.410 Optometry.

Notwithstanding any provision of any disability insurance contract, benefits shall not be denied thereunder for any eye care service rendered by a holder of a license issued pursuant to chapter 18.53 RCW, provided, that (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have provided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

[1965 c 149 § 2.]

Notes:

Construction--1965 c 149: "Sections 1 through 3 of this act shall not apply to contracts in force prior to the effective date of this 1965 act, nor to any renewal of such contracts where there has been no change in any provisions thereof." [1965 c 149 § 4.]

RCW 48.20.411 Registered nurses or advanced registered nurses.

Notwithstanding any provision of any disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health care service performed by a holder of a license for registered nursing practice or advanced registered nursing practice issued pursuant to chapter 18.79 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

[1994 sp.s. c 9 § 729; 1973 1st ex.s. c 188 § 3.]

Notes:

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

Severability--1973 1st ex.s. c 188: See note following RCW 48.18.298.

RCW 48.20.412 Chiropractic.

Notwithstanding any provision of any disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health care service performed by a holder of a license issued pursuant to chapter 18.25 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

[1971 ex.s. c 13 § 1.]

RCW 48.20.414 Psychological services.

Notwithstanding any provision of any disability insurance contract, benefits shall not be denied thereunder for any psychological service rendered by a holder of a license issued pursuant to chapter 18.83 RCW: PROVIDED, That (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have provided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

[1971 ex.s. c 197 § 1.]

Notes:

Application--1971 ex.s. c 197: "Sections 1 and 2 of this act shall not apply to any contract in force prior to the effective date of this 1971 act, nor to any renewal of such contract where there has been no change in any provision thereof." [1971 ex.s. c 197 § 3.]

RCW 48.20.416 Dentistry.

Notwithstanding any provision of any disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health care service performed by a holder of a license issued pursuant to chapter 18.32 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service has [had] been performed by a holder of a license issued [pursuant] to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

[1974 ex.s. c 42 § 1.]

RCW 48.20.418 Denturist services.

Notwithstanding any provision of any disability insurance contract covering dental care as provided for in this chapter, effective January 1, 1995, benefits shall not be denied thereunder for any service performed by a denturist licensed under chapter 18.30 RCW if (1) the service

performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a dentist licensed under chapter 18.32 RCW.

[1995 c 1 § 21 (Initiative Measure No. 607, approved November 8, 1994).]

Notes:

Short title--Severability--1995 c 1 (Initiative Measure No. 607): See RCW 18.30.900 and 18.30.901.

RCW 48.20.420 Dependent child coverage--Continuation for incapacity.

Any disability insurance contract providing health care services, delivered or issued for delivery in this state more than one hundred twenty days after August 11, 1969, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the contract, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of developmental disability or physical handicap and (2) chiefly dependent upon the subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the subscriber within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the insurer but not more frequently than annually after the two year period following the child's attainment of the limiting age.

[1985 c 264 § 10; 1969 ex.s. c 128 § 3.]

RCW 48.20.430 Dependent child coverage--From moment of birth--Congenital anomalies--Notification of birth.

(1) Any disability insurance contract providing hospital and medical expenses and health care services, delivered or issued for delivery in this state more than one hundred twenty days after February 16, 1974, which provides coverage for dependent children of the insured, shall provide coverage for newborn infants of the insured from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of birth of a newly born child and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of birth. This subsection applies to policies issued or renewed on or after January 1, 1984.

[1983 1st ex.s. c 32 § 18; 1974 ex.s. c 139 § 1.]

RCW 48.20.450 Standardization and simplification of terms and coverages--Disclosure requirements.

The commissioner shall issue regulations to establish specific standards, including

standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of individual policies of disability insurance which shall be in addition to and in accordance with applicable laws of this state, including RCW 48.20.450 through 48.20.480, which may cover but shall not be limited to:

- (1) Terms of renewability;
- (2) Initial and subsequent conditions of eligibility;
- (3) Nonduplication of coverage provisions;
- (4) Coverage of dependents;
- (5) Preexisting conditions;
- (6) Termination of insurance;
- (7) Probationary periods;
- (8) Limitations;
- (9) Exceptions;
- (10) Reductions;
- (11) Elimination periods;
- (12) Requirements for replacement;
- (13) Recurrent conditions; and

(14) The definition of terms including but not limited to the following: Hospital, accident, sickness, injury, physician, accidental means, total disability, partial disability, nervous disorder, guaranteed renewable, and noncancellable.

[1985 c 264 § 11; 1975 1st ex.s. c 266 § 16.]

Notes:

Purpose--1975 1st ex.s. c 266: "The purpose of *sections 14 through 18 of this 1975 amendatory act is to provide reasonable standardization and simplification of terms and coverages of individual disability insurance policies to facilitate public understanding and comparison, to eliminate provisions contained in individual disability insurance policies which may be misleading or unreasonably confusing in connection either with the purchase of such coverages or with the settlement of claims, and to provide for full disclosure in the sale of disability coverages." [1975 1st ex.s. c 266 § 15.]

***Reviser's note:** During the course of passage of 1975 1st ex.s. c 266 [Substitute House Bill No. 198], the section numbering was changed, but the internal references were not changed accordingly. Thus the reference "sections 14 through 18 of this 1975 amendatory act" appears to be erroneous. Reference to "sections 15 through 19," codified herein as this section and RCW 48.20.450 through 48.20.480, was apparently intended.

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.20.460 Standardization and simplification--Minimum standards for benefits and coverages.

(1) The commissioner shall issue regulations to establish minimum standards for benefits under each of the following categories of coverage in individual policies, other than conversion policies issued pursuant to a contractual conversion privilege under a group policy, of disability insurance:

- (a) Basic hospital expense coverage;
- (b) Basic medical-surgical expense coverage;

- (c) Hospital confinement indemnity coverage;
- (d) Major medical expense coverage;
- (e) Disability income protection coverage;
- (f) Accident only coverage;
- (g) Specified disease or specified accident coverage;
- (h) Medicare supplemental coverage; and
- (i) Limited benefit coverage.

(2) Nothing in this section shall preclude the issuance of any policy which combines two or more of the categories of coverage enumerated in items (a) through (f) of subsection (1) of this section.

(3) No policy shall be delivered or issued for delivery in this state which does not meet the prescribed minimum standards for the categories of coverage listed in items (a) through (i) of subsection (1) of this section, unless the commissioner finds such policy will be in the public interest and such policy meets the requirements set forth in RCW 48.18.110.

(4) The commissioner shall prescribe the method of identification of policies based upon coverages provided.

[1981 c 339 § 19; 1975 1st ex.s. c 266 § 17.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.20.470 Standardization and simplification--Outline of coverage--Format and contents.

(1) No policy of individual disability insurance shall be delivered or issued for delivery in this state unless an outline of coverage described in subsection (2) of this section is furnished to the applicant in accord with such rules or regulations as the commissioner shall prescribe.

(2) The commissioner shall prescribe the format and content of the outline of coverage required by subsection (1) of this section. "Format" means style, arrangement, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions. Such outline of coverage shall include:

(a) A statement identifying the applicable category or categories of coverage provided by the policy as prescribed in RCW 48.20.450;

(b) A description of the principal benefits and coverage provided in the policy;

(c) A statement of the exceptions, reductions and limitations contained in the policy;

(d) A statement of the renewal provisions including any reservation by the insurer of a right to change premiums; and

(e) A statement that the outline is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

[1985 c 264 § 12; 1975 1st ex.s. c 266 § 18.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.20.480 Standardization and simplification--Simplified application form--Coverage of loss from preexisting health condition.

Notwithstanding the provisions of RCW 48.20.052, if an insurer elects to use a simplified application form, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured's health history or medical treatment history, the policy must cover any loss occurring after twelve months from any preexisting condition not specifically excluded from coverage by terms of the policy, and, except as so provided, the policy shall not include wording that would permit a defense based upon preexisting conditions.

[1975 1st ex.s. c 266 § 19.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.20.490 Continuation of coverage by former spouse and dependents.

Every policy of disability insurance issued, amended, or renewed after June 12, 1980, for an individual and his/her dependents shall contain provisions to assure that the covered spouse and/or dependents, in the event that any cease to be a qualified family member by reason of termination of marriage or death of the principal insured, shall have the right to continue the policy coverage without a physical examination, statement of health, or other proof of insurability.

[1980 c 10 § 1.]

RCW 48.20.500 Coverage for adopted children.

(1) Any disability insurance contract providing hospital and medical expenses and health care services, delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the insured, shall cover adoptive children placed with the insured on the same basis as other dependents, as provided in RCW 48.01.180.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of placement.

[1986 c 140 § 2.]

Notes:

Effective date, application--Severability--1986 c 140: See notes following RCW 48.01.180.

RCW 48.20.510 Cancellation of rider.

Upon application by an insured, a rider shall be canceled if at least five years after its

issuance, no health care services have been received by the insured during that time for the condition specified in the rider, and a physician, selected by the carrier for that purpose, agrees in writing to the full medical recovery of the insured from that condition, such agreement not to be unreasonably withheld. The option of the insured to apply for cancellation shall be disclosed on the face of the rider in clear and conspicuous language.

For purposes of this section, a rider is a legal document that modifies a contract to exclude, limit, or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

[1987 c 37 § 1.]

RCW 48.20.520 Phenylketonuria.

(1) The legislature finds that:

(a) Phenylketonuria is a rare inherited genetic disorder.

(b) Children with phenylketonuria are unable to metabolize an essential amino acid, phenylalanine, which is found in the proteins of most food.

(c) To remain healthy, children with phenylketonuria must maintain a strict diet and ingest a mineral and vitamin-enriched formula.

(d) Children who do not maintain their diets with the formula acquire severe mental and physical difficulties.

(e) Originally, the formulas were listed as prescription drugs but were reclassified as medical foods to increase their availability.

(2) Subject to requirements and exceptions which may be established by rules adopted by the commissioner, any disability insurance contract delivered or issued for delivery or renewed in this state on or after September 1, 1988, that insures for hospital or medical expenses shall provide coverage for the formulas necessary for the treatment of phenylketonuria.

[1988 c 173 § 1.]

RCW 48.20.525 Prescriptions--Preapproval of individual claims--Subsequent rejection prohibited--Written record required.

Disability insurance companies who through an authorized representative have first approved, by any means, an individual prescription claim as eligible may not reject that claim at some later date. Pharmacists or drug dispensing outlets who obtain preapproval of claims shall keep a written record of the preapproval that consists of identification by name and telephone number of the person who approved the claim.

[1993 c 253 § 2.]

Notes:

Findings--1993 c 253: "The legislature finds that many health care insurance entities are initially approving claims as eligible under an identified program, over the telephone, but denying those same claims when they are submitted for payment. The legislature finds this to be an untenable situation for the providers." [1993 c

253 § 1.]

Effective date--1993 c 253: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 7, 1993]." [1993 c 253 § 6.]

RCW 48.20.530 Nonresident pharmacies.

For the purposes of this chapter, a nonresident pharmacy is defined as any pharmacy located outside this state that ships, mails, or delivers, in any manner, except when delivered in person to an enrolled participant or his/her representative, controlled substances, legend drugs, or devices into this state.

After October 1, 1991, an insurer providing coverage of prescription drugs from nonresident pharmacies may only provide coverage from licensed nonresident pharmacies. The insurers shall obtain proof of current licensure in conformity with this section and RCW 18.64.350 through 18.64.400 from the nonresident pharmacy and keep that proof of licensure on file.

The department of health may request from the insurer the proof of current licensure for all nonresident pharmacies through which the insurer is providing coverage for prescription drugs to residents of the state of Washington. This information, which may constitute a full or partial customer list, shall be confidential and exempt from public disclosure, and from the requirements of chapter 42.17 RCW. The board or the department shall not be restricted in the disclosure of the name of a nonresident pharmacy that is or has been licensed under RCW 18.64.360 or 18.64.370 or of the identity of a nonresident pharmacy disciplined under RCW 18.64.350 through 18.64.400.

[1991 c 87 § 7.]

Notes:

Effective date--1991 c 87: See note following RCW 18.64.350.

**Chapter 48.21 RCW
GROUP AND BLANKET DISABILITY INSURANCE**

Sections

- 48.21.010 "Group disability insurance" defined.
- 48.21.015 "Group stop loss insurance" defined for the purpose of exemption--Scope of application.
- 48.21.020 "Employees," "employer" defined.
- 48.21.030 Health care groups.
- 48.21.040 "Blanket disability insurance" defined.
- 48.21.045 Mandatory offering providing basic health plan benefits for employers with fewer than twenty-five employees--Exemption from statutory requirements--Premium rates--Requirements for providing coverage for small employers--Definitions.
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- 48.21.250 Continuation option to be offered.
- 48.21.260 Conversion policy to be offered--Exceptions, conditions.
- 48.21.270 Conversion policy--Restrictions and requirements.
- 48.21.280 Coverage for adopted children.
- 48.21.290 Cancellation of rider.
- 48.21.300 Phenylketonuria.
- 48.21.310 Neurodevelopmental therapies--Employer-sponsored group contracts.
- 48.21.320 Temporomandibular joint disorders--Insurance coverage.
- 48.21.325 Prescriptions--Preapproval of individual claims--Subsequent rejection prohibited--Written record required.
- 48.21.330 Nonresident pharmacies.

Notes:

Irrigation district may contract for and pay premiums on group insurance for employees: RCW 87.03.160.
Minimum standards for disability policies may be promulgated by commissioner: RCW 48.18.120.
Payment to person designated in policy or by assignment discharges insurer: RCW 48.18.370.
Policy dividends are payable to real party in interest: RCW 48.18.340.
Policy forms, execution, filing, etc.: Chapter 48.18 RCW.

Refusal to renew or cancellation of disability insurance: RCW 48.18.298, 48.18.299.

RCW 48.21.010 "Group disability insurance" defined.

Group disability insurance is that form of disability insurance, including stop loss insurance as defined in RCW 48.11.030, provided by a master policy issued to an employer, to a trustee appointed by an employer or employers, or to an association of employers formed for purposes other than obtaining such insurance, covering, with or without their dependents, the employees, or specified categories of the employees, of such employers or their subsidiaries or affiliates, or issued to a labor union, or to an association of employees formed for purposes other than obtaining such insurance, covering, with or without their dependents, the members, or specified categories of the members, of the labor union or association, or issued pursuant to RCW 48.21.030. Group disability insurance shall also include such other groups as qualify for group life insurance under the provisions of this code.

[1992 c 226 § 2; 1949 c 190 § 27; 1947 c 79 § .21.01; Rem. Supp. 1949 § 45.21.01.]

Notes:

Application--1992 c 226: See note following RCW 48.11.030.

RCW 48.21.015 "Group stop loss insurance" defined for the purpose of exemption--Scope of application.

Group stop loss insurance is exempt from all sections of this chapter and chapter 48.32A RCW except for RCW 48.21.010 and this section. For the purpose of this exemption, group stop loss is further defined as follows:

- (1) The policy must be issued to and insure the employer, the trustee or other sponsor of the plan, or the plan itself, but not the employees, members, or participants;
- (2) Payment by the insurer must be made to the employer, the trustee, or other sponsor of the plan or the plan itself, but not to the employees, members, participants, or health care providers;
- (3) The policy must contain a provision that establishes an aggregate attaching point or retention that is at the minimum one hundred twenty percent of the expected claims; and
- (4) The policy may provide for an individual attaching point or retention that is not less than five percent of the expected claims or one hundred thousand dollars, whichever is less.

[2000 c 80 § 8; 1992 c 226 § 3.]

Notes:

Application--1992 c 226: See note following RCW 48.11.030.

RCW 48.21.020 "Employees," "employer" defined.

The term "employees" as used in this chapter shall be deemed to include as employees of a single employer, the compensated officers, managers, and employees of the employer and of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors,

partners, and employees of individuals and firms of which the business is controlled by the insured employer through stock ownership, contract or otherwise. The term "employer" as used in this chapter shall be deemed to include any municipal corporation or governmental unit, agency or department thereof as well as private individuals, firms, corporations and other persons.

[1947 c 79 § .21.02; Rem. Supp. 1947 § 45.21.02.]

RCW 48.21.030 Health care groups.

A policy of group disability insurance may be issued to a corporation, as policyholder, existing primarily for the purpose of assisting individuals who are its subscribers in securing medical, hospital, dental, and other health care services for themselves and their dependents, covering all and not less than five hundred such subscribers and dependents, with respect only to medical, hospital, dental, and other health care services.

[1947 c 79 § .21.03; Rem. Supp. 1947 § 45.21.03.]

RCW 48.21.040 "Blanket disability insurance" defined.

(1) Any policy or contract of disability insurance which conforms with the description and complies with the requirements contained in one of the following six paragraphs shall be deemed a blanket disability insurance policy:

(a) A policy issued to any common carrier of passengers, which carrier shall be deemed the policyholder, covering a group defined as all persons who may become such passengers, and whereby such passengers shall be insured against loss or damage resulting from death or bodily injury either while, or as a result of, being such passengers.

(b) A policy issued in the name of any volunteer fire department, first aid or ambulance squad or volunteer police organization, which shall be deemed the policyholder, and covering all the members of any such organization against loss from accidents resulting from hazards incidental to duties in connection with such organizations.

(c) A policy issued in the name of any established organization whether incorporated or not, having community recognition and operated for the welfare of the community and its members and not for profit, which shall be deemed the policyholder, and covering all volunteer workers who serve without pecuniary compensation and the members of the organization, against loss from accidents occurring while engaged in the actual performance of duties on behalf of such organization or in the activities thereof.

(d) A policy issued to an employer, who shall be deemed the policyholder, covering any group of employees defined by reference to exceptional hazards incident to such employment, insuring such employees against death or bodily injury resulting while, or from, being exposed to such exceptional hazards.

(e) A policy covering students or employees issued to a college, school, or other institution of learning or to the head or principal thereof, who or which shall be deemed the policyholder.

(f) A policy or contract issued to any other substantially similar group, which, in the commissioner's discretion, may be subject to the insurance of a blanket disability policy or contract.

(2) Nothing contained in this section shall be deemed to affect the liability of policyholders for the death of, or injury to, any such members of such group.

(3) Individual applications shall not be required from individuals covered under a blanket disability insurance contract.

[1959 c 225 § 7; 1947 c 79 § .21.04; Rem. Supp. 1947 § 45.21.04.]

RCW 48.21.045 Mandatory offering providing basic health plan benefits for employers with fewer than twenty-five employees--Exemption from statutory requirements--Premium rates--Requirements for providing coverage for small employers--Definitions.

(1)(a) An insurer offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, benefits in excess of the basic health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage.

(4) The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage

in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

[1995 c 265 § 14; 1990 c 187 § 2.]

Notes:

Captions not law--Effective dates--Savings--Severability--1995 c 265: See notes following RCW 70.47.015.

Finding--Intent--1990 c 187: "The legislature finds that the rising cost of comprehensive group health coverage is exceeding the affordability of many small businesses and their employees. The legislature further finds that certain public policies have an adverse impact on the cost of such coverage. It is therefore the intent of the legislature to reduce costs by authorizing the development of basic hospital and medical coverage for small groups." [1990 c 187 § 1.]

Severability--1990 c 187: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 187 § 6.]

RCW 48.21.047 Requirements for plans offered to small employers--Definitions.

(1) No insurer shall offer any health benefit plan to any small employer without complying with the provisions of *RCW 48.21.045(5).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care shall not be considered small employers and such plans shall not be subject to the provisions of *RCW 48.21.045(5).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005.

[1995 c 265 § 22.]

Notes:

***Reviser's note:** This reference was inadvertently changed during the bill drafting process. The correct reference should be RCW 48.21.045(3).

Captions not law--Effective dates--Savings--Severability--1995 c 265: See notes following RCW 70.47.015.

RCW 48.21.050 Standard provisions required.

Every policy of group or blanket disability insurance shall contain in substance the provisions as set forth in RCW 48.21.060 to 48.21.090, inclusive, or provisions which in the opinion of the commissioner are more favorable to the individuals insured, or at least as favorable to such individuals and more favorable to the policyholder. No such policy of group or blanket disability insurance shall contain any provision relative to notice or proof of loss, or to the time for paying benefits, or to the time within which suit may be brought upon the policy, which in the opinion of the commissioner is less favorable to the individuals insured than would be permitted by the standard provisions required for individual disability insurance policies.

[1947 c 79 § .21.05; Rem. Supp. 1947 § 45.21.05.]

RCW 48.21.060 The contract--Representations.

There shall be a provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued; that all statements made by the policyholder or by the individuals insured shall in the absence of fraud be deemed representations and not warranties, and that no statement made by any individual insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such individual or to his beneficiary, if any.

[1947 c 79 § .21.06; Rem. Supp. 1947 § 45.21.06.]

RCW 48.21.070 Payment of premiums.

There shall be a provision that all premiums due under the policy shall be remitted by the employer or employers of the persons insured, by the policyholder, or by some other designated person acting on behalf of the association or group insured, to the insurer on or before the due date thereof with such period of grace as may be specified therein.

[1947 c 79 § .21.07; Rem. Supp. 1947 § 45.21.07.]

RCW 48.21.075 Payment of premiums by employee in event of suspension of compensation due to labor dispute.

Any employee whose compensation includes group disability or blanket disability insurance providing health care services, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the policyholder whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the policy provides. During that period of time the policy may not be altered or changed. Nothing in this section shall be deemed to impair the right

of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such insurance coverage is no longer available, then the employee shall be given the opportunity to purchase an individual policy at a rate consistent with rates filed by the insurer with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the policyholder in writing, by mail addressed to the address last on record with the policyholder, that the employee may pay the premiums to the policyholder as they become due as provided in this section.

Payment of the premiums must be made when due or the insurance coverage may be terminated by the insurer.

The provisions of any insurance policy contrary to provisions of this section are void and unenforceable after May 29, 1975.

[1975 1st ex.s. c 117 § 1.]

Notes:

Severability--1975 1st ex.s. c 117: "If any provision of this 1975 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 117 § 4.]

RCW 48.21.080 Certificates of coverage.

In group disability insurance policies there shall be a provision that the insurer shall issue to the employer, the policyholder, or other person or association in whose name such policy is issued, for delivery to each insured employee or member, a certificate setting forth in summary form a statement of the essential features of the insurance coverage, and to whom the benefits thereunder are payable described by name, relationship, or reference to the insurance records of the policyholder or insurer. If family members are insured, only one certificate need be issued for each family. This section shall not apply to blanket disability insurance policies.

[1961 c 194 § 6; 1947 c 79 § .21.08; Rem. Supp. 1947 § 45.21.08.]

RCW 48.21.090 Age limitations.

There shall be a provision specifying the ages, if any there be, to which the insurance provided therein shall be limited; and the ages, if any there be, for which additional restrictions are placed on benefits, and the additional restrictions placed on the benefits at such ages.

[1947 c 79 § .21.09; Rem. Supp. 1947 § 45.21.09.]

RCW 48.21.100 Examination and autopsy.

There may be a provision that the insurer shall have the right and opportunity to examine the person of the insured employee, member or dependent when and so often as it may reasonably require during the pendency of claim under the policy and also the right and

opportunity to make an autopsy in case of death where it is not prohibited by law.

[1947 c 79 § .21.10; Rem. Supp. 1947 § 45.21.10.]

RCW 48.21.110 Payment of benefits.

The benefits payable under any policy or contract of group or blanket disability insurance shall be payable to the employee or other insured member of the group or to the beneficiary designated by him, other than the policyholder, employer or the association or any officer thereof as such, subject to provisions of the policy in the event there is no designated beneficiary as to all or any part of any sum payable at the death of the individual insured.

The policy may provide that any hospital, medical, or surgical benefits thereunder may be made payable jointly to the insured employee or member and the person furnishing such hospital, medical, or surgical services.

[1955 c 303 § 17; 1947 c 79 § .21.11; Rem. Supp. 1947 § 45.21.11.]

RCW 48.21.120 Readjustment of premiums--Dividends.

Any contract of group disability insurance may provide for the readjustment of the rate of premium based on the experience thereunder at the end of the first year or of any subsequent year of insurance thereunder, and such readjustment may be made retroactive only for such policy year. Any refund under any plan for readjustment of the rate of premium based on the experience under group policies heretofore or hereafter issued, and any dividend paid under such policies may be used to reduce the employer's share of the cost of the coverage, except that if the aggregate refunds or dividends under such group policy and any other group policy or contract issued to the policyholder exceed the aggregate contributions of the employer toward the cost of the coverages, such excess shall be applied by the policyholder for the sole benefit of insured employees.

[1947 c 79 § .21.12; Rem. Supp. 1947 § 45.21.12.]

RCW 48.21.130 Chiropody.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract, benefits shall not be denied thereunder for any medical or surgical service performed by a holder of a license issued pursuant to chapter 18.22 RCW provided that (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW.

[1963 c 87 § 2.]

Notes:

Application--1963 c 87: Nonapplicability to prior contracts and certain renewals, see note following RCW 48.20.390.

RCW 48.21.140 Optometry.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract, benefits shall not be denied thereunder for any eye care service rendered by a holder of a license issued pursuant to chapter 18.53 RCW, provided, that (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have provided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

[1965 c 149 § 3.]

Notes:

Construction--1965 c 149: Nonapplicability to prior contracts and certain renewals, see note following RCW 48.20.410.

RCW 48.21.141 Registered nurses or advanced registered nurses.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health service performed by a holder of a license for registered nursing practice or advanced registered nursing practice issued pursuant to chapter 18.79 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

[1994 sp.s. c 9 § 730; 1973 1st ex.s. c 188 § 4.]

Notes:

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

Severability--1973 1st ex.s. c 188: See note following RCW 48.18.298.

RCW 48.21.142 Chiropractic.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health service performed by a holder of a license issued pursuant to chapter 18.25 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

[1971 ex.s. c 13 § 2.]

RCW 48.21.143 Diabetes coverage.

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.21.045.

[1997 c 276 § 3.]

Notes:

Effective date--1997 c 276: See note following RCW 41.05.185.

RCW 48.21.144 Psychological services.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract, benefits shall not be denied thereunder for any psychological service rendered by a holder of a license issued pursuant to chapter 18.83 RCW: PROVIDED, That (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have provided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

[1971 ex.s. c 197 § 2.]

Notes:

Application--1971 ex.s. c 197: See note following RCW 48.20.414.

RCW 48.21.146 Dentistry.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health service performed by a holder of a license issued pursuant to chapter 18.32 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

[1974 ex.s. c 42 § 2.]

RCW 48.21.148 Denturist services.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract covering dental care as provided for in this chapter, effective January 1, 1995, benefits shall not be denied thereunder for any service performed by a denturist licensed under chapter 18.30 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a dentist licensed under chapter 18.32 RCW.

[1995 c 1 § 22 (Initiative Measure No. 607, approved November 8, 1994).]

Notes:

Short title--Severability--1995 c 1 (Initiative Measure No. 607): See RCW 18.30.900 and 18.30.901.

RCW 48.21.150 Dependent child coverage--Continuation for incapacity.

Any group disability insurance contract or blanket disability insurance contract, providing health care services, delivered or issued for delivery in this state more than one hundred twenty days after August 11, 1969, which provides that coverage of a dependent child of an employee or other member of the covered group shall terminate upon attainment of the limiting age for dependent children specified in the contract shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of developmental disability or physical handicap and (2) chiefly dependent upon the employee or member for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the employee or member within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the insurer, but not more frequently than annually after the two year period following the child's attainment of the limiting age.

[1977 ex.s. c 80 § 32; 1969 ex.s. c 128 § 4.]

Notes:

Purpose--Intent--Severability--1977 ex.s. c 80: See notes following RCW 4.16.190.

RCW 48.21.155 Dependent child coverage--From moment of birth--Congenital anomalies--Notification of birth.

(1) Any group disability insurance contract except blanket disability insurance contract, providing hospital and medical expenses and health care services, renewed, delivered or issued for delivery in this state more than one hundred twenty days after February 16, 1974, which provides coverage for the dependent children of persons in the insured group, shall provide coverage for newborn infant children of persons in the insured group from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of birth of a newly born child and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of birth. This subsection applies to policies issued or renewed on or after January 1, 1984.

[1983 1st ex.s. c 32 § 20; 1974 ex.s. c 139 § 2.]

RCW 48.21.160 Chemical dependency benefits--Legislative declaration.

The legislature recognizes that chemical dependency is a disease and, as such, warrants the same attention from the health care industry as other similarly serious diseases warrant; the legislature further recognizes that health insurance contracts and contracts for health care services include inconsistent provisions providing benefits for the treatment of chemical

dependency. In order to assist the many citizens of this state who suffer from the disease of chemical dependency, and who are presently effectively precluded from obtaining adequate coverage for medical assistance under the terms of their health insurance contract or health care service contract, the legislature hereby declares that provisions providing benefits for the treatment of chemical dependency shall be included in new contracts and that this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and RCW 48.21.195, 48.44.245, and 48.46.355 are necessary for the protection of the public health and safety. Nothing in this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and RCW 48.21.195, 48.44.245, and 48.46.355 shall be construed to relieve any person of any civil or criminal liability for any act or omission that is the result of a chemical dependency or to grant any person with a chemical dependency any special right, privilege, or status under the law against discrimination, chapter 49.60 RCW.

[1987 c 458 § 13; 1974 ex.s. c 119 § 1.]

Notes:

Effective date--1987 c 458 §§ 13-20: "Sections 13 through 20 of this act shall take effect on January 1, 1988." [1987 c 458 § 24.]

Severability--1987 c 458: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 458 § 25.]

RCW 48.21.180 Chemical dependency benefits--Contracts issued or renewed after January 1, 1988.

Each group disability insurance contract which is delivered or issued for delivery or renewed, on or after January 1, 1988, and which insures for hospital or medical care shall contain provisions providing benefits for the treatment of chemical dependency rendered to the insured by a provider which is an "approved treatment facility or program" under *RCW 70.96A.020(3).

[1990 1st ex.s. c 3 § 7; 1987 c 458 § 14; 1974 ex.s. c 119 § 3.]

Notes:

***Reviser's note:** RCW 70.96A.020(3) defines "approved treatment program."

Effective date--Severability--1987 c 458: See notes following RCW 48.21.160.

RCW 48.21.190 Chemical dependency benefits--RCW 48.21.160 through 48.21.190, 48.44.240 inapplicable, when.

RCW 48.21.160 through 48.21.190 and 48.44.240 as now or hereafter amended shall not apply to the renewal of a contract in force prior to the pertinent date provided for such contract under RCW 48.21.160 through 48.21.190 and 48.44.240 as now or hereafter amended where there exists a right of renewal on the part of the insured or subscriber without any change in any provision of the contract: PROVIDED FURTHER, That RCW 48.21.160 through 48.21.190 and 48.44.240 as now or hereafter amended shall not apply to contracts which provide only accident coverage, nor to any contract written as supplemental coverage to any federal or state programs of health care including, but not limited to, Title XVIII health insurance for the aged (commonly

referred to as Medicare, Parts A and B), and amendments thereto.

[1975 1st ex.s. c 266 § 10; 1974 ex.s. c 119 § 5.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.21.195 "Chemical dependency" defined.

For the purposes of RCW 48.21.160 and 48.21.180 "chemical dependency" means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

[1987 c 458 § 15.]

Notes:

Effective date--Severability--1987 c 458: See notes following RCW 48.21.160.

RCW 48.21.197 Chemical dependency benefits--Rules.

By September 1, 1987, the insurance commissioner shall adopt rules governing benefits for treatment of chemical dependency under medical plans issued under chapters 48.21, 48.44, and 48.46 RCW. These rules shall recognize that many persons are dependent on both alcohol and drugs; they shall prohibit the stacking of benefits and shall require that benefits for chemical dependency be equivalent to benefits previously required for alcoholism.

[1987 c 458 § 21.]

Notes:

Severability--1987 c 458: See note following RCW 48.21.160.

RCW 48.21.200 Group disability, health care service contract, health maintenance agreement--Reduction or refusal of benefits on basis of other existing coverages.

(1) No individual or group disability insurance policy, health care service contract, or health maintenance agreement which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state which contains any provision whereby the insurer, contractor, or health maintenance organization may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any disability insurance policy, health care service contract, or health maintenance agreement.

(2) No individual or group disability insurance policy, health care service contract, or

health maintenance agreement providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable or available thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses exclusive of copayments, deductibles, and other similar cost-sharing arrangements.

(3) The commissioner shall by rule establish guidelines for the application of this section, including:

(a) The procedures by which persons covered under such policies, contracts, and agreements are to be made aware of the existence of such a provision;

(b) The benefits which may be subject to such a provision;

(c) The effect of such a provision on the benefits provided;

(d) Establishment of the order of benefit determination;

(e) Exceptions necessary to preserve policy, contract, or agreement requirements for use of particular health care facilities or providers; and

(f) Reasonable claim administration procedures to expedite claim payments and prevent duplication of payments or benefits under such a provision.

[1993 c 492 § 282. Prior: 1983 c 202 § 16; 1983 c 106 § 24; 1975 1st ex.s. c 266 § 20.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.21.220 Home health care, hospice care, optional coverage required--Standards, limitations, restrictions--Rules--Medicare supplemental contracts excluded.

(1) Every insurer entering into or renewing group or blanket disability insurance policies governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions in addition to those set forth in chapter 70.126 RCW:

(a) The coverage may include reasonable deductibles, coinsurance provisions, and internal maximums;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospices have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may

require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and restrict benefits to, services rendered by home health and hospice agencies licensed by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit;

(h) The coverage may be structured so that services or supplies included in the primary contract are not duplicated in the optional home health and hospice coverage.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

(5) An insurer, as a condition of reimbursement, may require compliance with home health and hospice certification regulations established by the United States department of health and human services.

[1988 c 245 § 31; 1984 c 22 § 1; 1983 c 249 § 1.]

Notes:

Effective date--Implementation--Severability--1988 c 245: See RCW 70.127.900 and 70.127.902.

Effective date--1984 c 22: "This act shall take effect July 1, 1984." [1984 c 22 § 8.]

Effective date--1983 c 249: See note following RCW 70.126.001.

Home health care, hospice care, rules: Chapter 70.126 RCW.

RCW 48.21.225 Mammograms--Insurance coverage.

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

[1994 sp.s. c 9 § 731; 1989 c 338 § 2.]

Notes:

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 48.21.230 Reconstructive breast surgery.

(1) Each group disability insurance contract issued or renewed after July 24, 1983, which insures for hospital or medical care shall provide coverage for reconstructive breast surgery resulting from a mastectomy which resulted from disease, illness, or injury.

(2) Each group disability insurance contract issued or renewed after January 1, 1986, which insures for hospital or medical care shall provide coverage for all stages of one reconstructive breast reduction on the nondiseased breast to make it equal in size with the diseased breast after definitive reconstructive surgery on the diseased breast has been performed.

[1985 c 54 § 6; 1983 c 113 § 2.]

Notes:

Effective date--1985 c 54: See note following RCW 48.20.397.

RCW 48.21.235 Mastectomy, lumpectomy.

No person engaged in the business of insurance under this chapter may refuse to issue any contract of insurance or cancel or decline to renew the contract solely because of a mastectomy or lumpectomy performed on the insured or prospective insured more than five years previously. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased, or reduced solely on the basis of a mastectomy or lumpectomy performed on the insured or prospective insured more than five years previously.

[1985 c 54 § 2.]

Notes:

Effective date--1985 c 54: See note following RCW 48.20.397.

RCW 48.21.240 Mental health treatment, optional supplemental coverage--Waiver.

(1) Each group insurer providing disability insurance coverage in this state for hospital or medical care under contracts which are issued, delivered, or renewed in this state on or after July 1, 1986, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents.

(2) Benefits shall be provided under the optional supplemental coverage for mental health treatment whether treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW; or (d) a state hospital as defined in RCW 72.23.010. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section

for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW and state hospitals as defined in RCW 72.23.010. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

(3) The group disability insurance contract may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the insurer.

(4) This section shall not apply to a group disability insurance contract that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to March 1, 1987.

[1987 c 283 § 3; 1986 c 184 § 2; 1983 c 35 § 1.]

Notes:

Severability--Savings--1987 c 283: See notes following RCW 43.20A.020.

Legislative intent--1986 c 184: "It is the intent of the legislature that all insurers, health care service contractors, and health maintenance organizations that provide health care coverage in the state shall offer the option of including mental health treatment in their health benefit plans. Further it is the intent of the legislature that all mental health care benefit plans shall provide reimbursement for mental health treatment by every type of provider listed as follows: Physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health agencies licensed under chapter 71.24 RCW." [1986 c 184 § 1.]

Effective date--1986 c 184: "This act shall take effect March 1, 1987." [1986 c 184 § 5.]

Severability--1986 c 184: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 184 § 6.]

Effective date--1983 c 35: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983." [1983 c 35 § 5.]

Severability--1983 c 35: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 35 § 4.]

RCW 48.21.242 Mental health treatment--Waiver of preauthorization for persons involuntarily committed.

An insurer providing group disability insurance coverage for health care in this state shall waive a preauthorization requirement from the insurer before an insured or the insured's covered dependents receive mental health care and treatment rendered by a state hospital if the insured or any of the insured's covered dependents are involuntarily committed to a state hospital as defined in RCW 72.23.010.

[1993 c 272 § 3.]

Notes:

Savings--Severability--1993 c 272: See notes following RCW 43.20B.347.

RCW 48.21.244 Benefits for prenatal diagnosis of congenital disorders--Contracts entered into or renewed on or after January 1, 1990.

On or after January 1, 1990, every group disability contract entered into or renewed that covers hospital, medical, or surgical expenses on a group basis, and which provides benefits for pregnancy, childbirth, or related medical conditions to enrollees of such groups, shall offer benefits for prenatal diagnosis of congenital disorders of the fetus by means of screening and diagnostic procedures during pregnancy to such enrollees when those services are determined to be medically necessary by the disability contractor in accord with standards set in rule by the board of health. Every group disability contractor shall communicate the availability of such coverage to all group disability contract holders and to all groups with whom they are negotiating.

[1988 c 276 § 6.]

Notes:

Prenatal testing--Limitation on changes to coverage: RCW 48.42.090.

RCW 48.21.250 Continuation option to be offered.

Every insurer that issues policies providing group coverage for hospital or medical expense shall offer the policyholder an option to include a policy provision granting a person who becomes ineligible for coverage under the group policy, the right to continue the group benefits for a period of time and at a rate agreed upon. The policy provision shall provide that when such coverage terminates, the covered person may convert to a policy as provided in RCW 48.21.260.

[1984 c 190 § 2.]

Notes:

Legislative intent--1984 c 190: "The legislature recognizes that when people covered by a group health insurance policy lose their group insurance benefits because they are no longer eligible, they need time to obtain a suitable form of replacement coverage or time to complete a reasonable course of medical treatment for a health condition that existed when the group benefits ended.

Spouses and dependents can lose their group insurance and may not have any other health insurance when one spouse covered under a group policy dies, obtains a divorce, or becomes unemployed. Often the cost of an individual policy prevents these persons from obtaining any other health insurance.

The intent of this act is to require insurers, health care service contractors, and health maintenance organizations to:

(1) Offer to the contract holder the option to continue health and medical benefits for employees, members, spouses, or dependents whose eligibility for coverage under a group policy, contract, or agreement is terminated; and

(2) Provide a conversion policy, contract, or agreement to employees, members, spouses, or dependents

whose eligibility for coverage under a group policy, contract, or agreement is terminated." [1984 c 190 § 1.]

Application--1984 c 190 §§ 2, 5, and 8: "Sections 2, 5, and 8 of this act shall apply to any policy, contract, or agreement issued, renewed, or amended on or after January 1, 1985." [1984 c 190 § 12.]

Severability--1984 c 190: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 190 § 13.]

RCW 48.21.260 Conversion policy to be offered--Exceptions, conditions.

(1) Except as otherwise provided by this section, any group disability insurance policy issued, renewed, or amended on or after January 1, 1985, that provides benefits for hospital or medical expenses shall contain a provision granting a person covered by the group policy the right to obtain a conversion policy from the insurer upon termination of the person's eligibility for coverage under the group policy.

(2) An insurer need not offer a conversion policy to:

(a) A person whose coverage under the group policy ended when the person's employment or membership was terminated for misconduct: PROVIDED, That when a person's employment or membership is terminated for misconduct, a conversion policy shall be offered to the spouse and/or dependents of the terminated employee or member. The policy shall include in the conversion provisions the same conversion rights and conditions which are available to employees or members and their spouses and/or dependents who are terminated for reasons other than misconduct;

(b) A person who is eligible for federal Medicare coverage; or

(c) A person who is covered under another group plan, policy, contract, or agreement providing benefits for hospital or medical care.

(3) To obtain the conversion policy, a person must submit a written application and the first premium payment for the conversion policy not later than thirty-one days after the date the person's group coverage terminates. The conversion policy shall become effective, without lapse of coverage, immediately following termination of coverage under the group policy.

(4) If an insurer or group policyholder does not renew, cancels, or otherwise terminates the group policy, the insurer shall offer a conversion policy to any person who was covered under the terminated policy unless the person is eligible to obtain group hospital or medical expense coverage within thirty-one days after such nonrenewal, cancellation, or termination of the group policy.

(5) The insurer shall determine the premium for the conversion policy in accordance with the insurer's table of premium rates applicable to the age and class of risk of each person to be covered under the policy and the type and amount of benefits provided.

[1984 c 190 § 3.]

Notes:

Legislative intent--Severability--1984 c 190: See notes following RCW 48.21.250.

RCW 48.21.270 Conversion policy--Restrictions and requirements.

(1) An insurer shall not require proof of insurability as a condition for issuance of the

conversion policy.

(2) A conversion policy may not contain an exclusion for preexisting conditions except to the extent that a waiting period for a preexisting condition has not been satisfied under the group policy.

(3) An insurer must offer at least three policy benefit plans that comply with the following:

(a) A major medical plan with a five thousand dollar deductible and a lifetime benefit maximum of two hundred fifty thousand dollars per person;

(b) A comprehensive medical plan with a five hundred dollar deductible and a lifetime benefit maximum of five hundred thousand dollars per person; and

(c) A basic medical plan with a one thousand dollar deductible and a lifetime maximum of seventy-five thousand dollars per person.

(4) The insurance commissioner may revise the deductibles and lifetime benefit amounts in subsection (3) of this section from time to time to reflect changing health care costs.

(5) The insurance commissioner shall adopt rules to establish minimum benefit standards for conversion policies.

(6) The commissioner shall adopt rules to establish specific standards for conversion policy provisions. These rules may include but are not limited to:

(a) Terms of renewability;

(b) Nonduplication of coverage;

(c) Benefit limitations, exceptions, and reductions; and

(d) Definitions of terms.

[1984 c 190 § 4.]

Notes:

Legislative intent--Severability--1984 c 190: See notes following RCW 48.21.250.

RCW 48.21.280 Coverage for adopted children.

(1) Any group disability insurance contract, except a blanket disability insurance contract, providing hospital and medical expenses and health care services, delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the insured, shall cover adoptive children placed with the insured on the same basis as other dependents, as provided in RCW 48.01.180.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of placement.

[1986 c 140 § 3.]

Notes:

Effective date, application--Severability--1986 c 140: See notes following RCW 48.01.180.

RCW 48.21.290 Cancellation of rider.

Upon application by an insured, a rider shall be canceled if at least five years after its issuance, no health care services have been received by the insured during that time for the condition specified in the rider, and a physician, selected by the carrier for that purpose, agrees in writing to the full medical recovery of the insured from that condition, such agreement not to be unreasonably withheld. The option of the insured to apply for cancellation shall be disclosed on the face of the rider in clear and conspicuous language.

For purposes of this section, a rider is a legal document that modifies a contract to exclude, limit, or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

[1987 c 37 § 2.]

RCW 48.21.300 Phenylketonuria.

(1) The legislature finds that:

(a) Phenylketonuria is a rare inherited genetic disorder.

(b) Children with phenylketonuria are unable to metabolize an essential amino acid, phenylalanine, which is found in the proteins of most food.

(c) To remain healthy, children with phenylketonuria must maintain a strict diet and ingest a mineral and vitamin-enriched formula.

(d) Children who do not maintain their diets with the formula acquire severe mental and physical difficulties.

(e) Originally, the formulas were listed as prescription drugs but were reclassified as medical foods to increase their availability.

(2) Subject to requirements and exceptions which may be established by rules adopted by the commissioner, any group disability insurance contract delivered or issued for delivery or renewed in this state on or after September 1, 1988, that insures for hospital or medical expenses shall provide coverage for the formulas necessary for the treatment of phenylketonuria.

[1988 c 173 § 2.]

RCW 48.21.310 Neurodevelopmental therapies--Employer-sponsored group contracts.

(1) Each employer-sponsored group policy for comprehensive health insurance which is entered into, or renewed, on or after twelve months after July 23, 1989, shall include coverage for neurodevelopmental therapies for covered individuals age six and under.

(2) Benefits provided under this section shall cover the services of those authorized to deliver occupational therapy, speech therapy, and physical therapy. Benefits shall be payable only where the services have been delivered pursuant to the referral and periodic review of a holder of a license issued pursuant to chapter 18.71 or 18.57 RCW or where covered services have been rendered by such licensee. Nothing in this section shall prohibit an insurer from negotiating rates with qualified providers.

(3) Benefits provided under this section shall be for medically necessary services as determined by the insurer. Benefits shall be payable for services for the maintenance of an

insured in cases where significant deterioration in the patient's condition would result without the service. Benefits shall be payable to restore and improve function.

(4) It is the intent of this section that employers purchasing comprehensive health insurance, including the benefits required by this section, together with the insurer, retain authority to design and employ utilization and cost controls. Therefore, benefits delivered under this section may be subject to contractual provisions regarding deductible amounts and/or copayments established by the employer purchasing insurance and the insurer. Benefits provided under this section may be subject to standard waiting periods for preexisting conditions, and may be subject to the submission of written treatment plans.

(5) In recognition of the intent expressed in subsection (4) of this section, benefits provided under this section may be subject to contractual provisions establishing annual and/or lifetime benefit limits. Such limits may define the total dollar benefits available or may limit the number of services delivered as agreed by the employer purchasing insurance and the insurer.

[1989 c 345 § 2.]

RCW 48.21.320 Temporomandibular joint disorders--Insurance coverage.

(1) Except as provided in this section, a group disability policy entered into or renewed after December 31, 1989, shall offer optional coverage for the treatment of temporomandibular joint disorders.

(a) Insurers offering medical coverage only may limit benefits in such coverages to medical services related to treatment of temporomandibular joint disorders. Insurers offering dental coverage only may limit benefits in such coverage to dental services related to treatment of temporomandibular joint disorders. No insurer offering medical coverage only may define all temporomandibular joint disorders as purely dental in nature, and no insurer offering dental coverage only may define all temporomandibular joint disorders as purely medical in nature.

(b) Insurers offering optional temporomandibular joint disorder coverage as provided in this section may, but are not required to, offer lesser or no temporomandibular joint disorder coverage as part of their basic group disability contract.

(c) Benefits and coverage offered under this section may be subject to negotiation to promote broad flexibility in potential benefit coverage. This flexibility shall apply to services to be reimbursed, determination of treatments to be considered medically necessary, systems through which services are to be provided, including referral systems and use of other providers, and related issues.

(2) Unless otherwise directed by law, the insurance commissioner shall adopt rules, to be implemented on January 1, 1993, establishing minimum benefits, terms, definitions, conditions, limitations, and provisions for the use of reasonable deductibles and copayments.

(3) An insurer need not make the offer of coverage required by this section to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefit statutes under Title 48 RCW that does not provide coverage for temporomandibular joint disorders.

[1989 c 331 § 2.]

Notes:

Legislative finding--1989 c 331: "The legislature finds that:

- (1) Temporomandibular joint disorders are conditions for which treatment often is not covered in medical and dental group insurance contracts;
- (2) Individuals with temporomandibular joint disorders experience substantial pain and financial hardship;
- (3) Public awareness is needed concerning temporomandibular joint disorders and would be promoted by a mandated offering of temporomandibular joint disorders coverage to group purchasers; and
- (4) A mandated offering of temporomandibular joint disorders coverage shall not prescribe minimum initial benefits so that the insurers and the purchasers are allowed broad flexibility in benefit design and application." [1989 c 331 § 1.]

Effective date--1989 c 331: "This act shall take effect January 1, 1990, but the insurance commissioner may immediately take such steps as are necessary to ensure that this act is fully implemented on its effective date." [1989 c 331 § 6.]

RCW 48.21.325 Prescriptions--Preapproval of individual claims--Subsequent rejection prohibited--Written record required.

Group disability insurance companies who through an authorized representative have first approved, by any means, an individual prescription claim as eligible may not reject that claim at some later date. Pharmacists or drug dispensing outlets who obtain preapproval of claims shall keep a written record of the preapproval that consists of identification by name and telephone number of the person who approved the claim.

[1993 c 253 § 3.]

Notes:

Findings--Effective date--1993 c 253: See notes following RCW 48.20.525.

RCW 48.21.330 Nonresident pharmacies.

For the purposes of this chapter, a nonresident pharmacy is defined as any pharmacy located outside this state that ships, mails, or delivers, in any manner, except when delivered in person to an enrolled participant or his/her representative, controlled substances, legend drugs, or devices into this state.

After October 1, 1991, an insurer providing coverage of prescription drugs from nonresident pharmacies may only provide coverage from licensed nonresident pharmacies. The insurers shall obtain proof of current licensure in conformity with this section and RCW 18.64.350 through 18.64.400 from the nonresident pharmacy and keep that proof of licensure on file.

The department may request from the insurer the proof of current licensure for all nonresident pharmacies through which the insurer is providing coverage for prescription drugs for residents of the state of Washington. This information, which may constitute a full or partial customer list, shall be confidential and exempt from public disclosure, and from the requirements of chapter 42.17 RCW. The board or the department shall not be restricted in the disclosure of the name of a nonresident pharmacy that is or has been licensed under RCW 18.64.360 or 18.64.370 or of the identity of a nonresident pharmacy disciplined under RCW 18.64.350

through 18.64.400.

[1991 c 87 § 8.]

Notes:

Effective date--1991 c 87: See note following RCW 18.64.350.

Chapter 48.21A RCW
DISABILITY INSURANCE--EXTENDED HEALTH

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| 48.21A.060 | Commissioner's powers--Forms--Rates--Standard provisions--Withdrawal of approval--Federal, state benefits--Annual reports. |
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Notes:

Refusal to renew or cancellation of disability insurance: RCW 48.18.298, 48.18.299.

RCW 48.21A.010 Declaration of purpose.

It is the purpose of this chapter to provide a means of more adequately meeting the needs of persons who are sixty-five years of age or older and their spouses for insurance coverage against financial loss from accident or disease through the combined resources and experience of a number of insurers; to make possible the fullest extension of such coverage by encouraging insurers to combine their resources and experience and to exercise their collective efforts in the development and offering of policies of such insurance to all applicants; and to regulate the joint activities herein authorized in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), as amended.

[1965 ex.s. c 70 § 27.]

RCW 48.21A.020 Definitions.

Wherever used in this chapter, the following terms shall have the meanings hereinafter set forth or indicated, unless the context otherwise requires:

(a) "Association" means a voluntary unincorporated association of insurers formed for the purpose of enabling cooperative action to provide disability insurance in accordance with this

chapter in this or any other state having legislation enabling the issuance of insurance of the type provided in this chapter.

(b) "Insurer" means any insurance company which is authorized to transact disability insurance in this state.

(c) "Extended health insurance" means hospital, surgical and medical expense insurance provided by a policy issued as provided by this chapter.

[1965 ex.s. c 70 § 28.]

RCW 48.21A.030 Insurers may join--Policyholder--Reduced benefit provision--Master group policy--Offering--Cancellation.

Notwithstanding any other provision of this code or any other law which may be inconsistent herewith, any insurer may join with one or more other insurers, to plan, develop, underwrite, and offer and provide to any person who is sixty-five years of age or older and to the spouse of such person, extended health insurance against financial loss from accident or disease, or both. Such insurance may be offered, issued and administered jointly by two or more insurers by a group policy issued to a policyholder through an association formed for the purpose of offering, selling, issuing and administering such insurance. The policyholder may be an association, a trustee, or any other person. Any such policy may provide, among other things, that the benefits payable thereunder are subject to reduction if the individual insured has any other coverage providing hospital, surgical or medical benefits whether on an indemnity basis or a provision of service basis resulting in such insured being eligible for more than one hundred percent of covered expenses which he is required to pay, and any insurer issuing individual policies providing extended hospital, surgical or medical benefits to persons sixty-five years of age and older and their spouses may also use such a policy provision. A master group policy issued to an association or to a trustee or any person appointed by an association for the purpose of providing the insurances described in this section shall be another form of group disability insurance.

Any form of policy approved by the commissioner for an association shall be offered throughout Washington to all persons sixty-five and older and their spouses, and the coverage of any person insured under such a form of policy shall not be cancellable except for nonpayment of premiums unless the coverage of all persons insured under such form of policy is also canceled.

[1965 ex.s. c 70 § 29.]

RCW 48.21A.040 Agents, brokers, and solicitors.

Notwithstanding the provisions of RCW 48.17.200, any person licensed to transact disability insurance as an agent, broker or solicitor may transact extended health insurance and may be paid a commission thereon.

[1965 ex.s. c 70 § 30.]

RCW 48.21A.050 Powers and duties of associations.

Any association formed for the purposes of this chapter may hold title to property, may enter into contracts, and may limit the liability of its members to their respective pro rata shares of the liability of such association. Any such association may sue and be sued in its associate name and for such purpose only shall be treated as a domestic corporation. Service of process against such association, made upon a managing agent, any member thereof or any agent authorized by appointment to receive service of process, shall have the same force and effect as if such service had been made upon all members of the association. Such association's books and records shall also be subject to examination under the provisions of RCW 48.03.010 through 48.03.070, inclusive, either separately or concurrently with examination of any of its member insurers.

[1983 c 3 § 151; 1965 ex.s. c 70 § 31.]

RCW 48.21A.060 Commissioner's powers--Forms--Rates--Standard provisions--Withdrawal of approval--Federal, state benefits--Annual reports.

The forms of the policies, applications, certificates or other evidence of insurance coverage and applicable premium rates relating thereto shall be filed with the commissioner. No such policy, contract, or other evidence of insurance, application or other form shall be sold, issued or used and no endorsement shall be attached to or printed or stamped thereon unless the form thereof shall have been approved by the commissioner or thirty days shall have expired after such filing without written notice from the commissioner of disapproval thereof. The commissioner shall disapprove the forms of such insurance if he finds that they are unjust, unfair, inequitable, misleading or deceptive or that the rates are by reasonable assumption excessive in relation to the benefits provided. In determining whether such rates by reasonable assumptions are excessive in relation to the benefits provided, the commissioner shall give due consideration to past and prospective claim experience, within and outside this state, and to fluctuations in such claim experience, to a reasonable risk charge, to contribution to surplus and contingency funds, to past and prospective expenses, both within and outside this state, and to all other relevant factors within and outside this state including any differing operating methods of the insurers joining in the issue of the policy. In exercising the powers conferred upon him by this chapter, the commissioner shall not be bound by any other requirement of this code with respect to standard provisions to be included in disability policies or forms.

The commissioner may, after hearing upon written notice, withdraw an approval previously given, upon such grounds as in his opinion would authorize disapproval upon original submission thereof. Any such withdrawal of approval after hearing shall be by notice in writing specifying the ground thereof and shall be effective at the expiration of such period, not less than ninety days after the giving of notice of withdrawal, as the commissioner shall in such notice prescribe.

If and when a program of hospital, surgical and medical benefits is enacted by the federal

government or the state of Washington, the extended health insurance benefits provided by policies issued under this chapter shall be adjusted to avoid any duplication of benefits offered by the federal or state programs and the premium rates applicable thereto shall be adjusted to conform with the adjusted benefits.

The association shall submit an annual report to the insurance commissioner which shall become public information and shall provide information as to the number of persons insured, the names of the insurers participating in the association with respect to insurance offered under this chapter and the calendar year experience applicable to such insurance offered under this chapter, including premiums earned, claims paid during the calendar year, the amount of claims reserve established, administrative expenses, commissions, promotional expenses, taxes, contingency reserve, other expenses, and profit and loss for the year. The commissioner shall require the association to provide any and all information concerning the operations of the association deemed relevant by him for inclusion in the report.

[1965 ex.s. c 70 § 32.]

RCW 48.21A.070 Documents to be filed--Deceptive name or advertising.

The articles of association of any association formed in accordance with this chapter, all amendments and supplements thereto, a designation in writing of a resident of this state as agent for the service of process, and a list of insurers who are members of the association and all supplements thereto shall be filed with the commissioner.

The name of any association or any advertising or promotional material used in connection with extended health insurance to be sold, offered, or issued, pursuant to this chapter shall not be such as to mislead or deceive the public.

[1965 ex.s. c 70 § 33.]

RCW 48.21A.080 Remedies.

No act done, action taken or agreement made pursuant to the authority conferred by this chapter shall constitute a violation of or grounds for prosecution or civil proceedings under any other law of this state heretofore or hereafter enacted which does not specifically refer to insurance.

[1965 ex.s. c 70 § 34.]

RCW 48.21A.090 Home health care, hospice care, optional coverage required--Standards, limitations, restrictions--Rules--Medicare supplemental contracts excluded.

(1) Every insurer entering into or renewing extended health insurance governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be

offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions in addition to those set forth in chapters 70.126 and 70.127 RCW:

(a) The coverage may include reasonable deductibles, coinsurance provisions, and internal maximums;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospices have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and restrict benefits to, services rendered by home health and hospice agencies licensed under chapter 70.127 RCW;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit;

(h) The coverage may be structured so that services or supplies included in the primary contract are not duplicated in the optional home health and hospice coverage.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

(5) An insurer, as a condition of reimbursement, may require compliance with home health and hospice certification regulations established by the United States department of health and human services.

[1989 1st ex.s. c 9 § 220; 1988 c 245 § 32; 1984 c 22 § 2; 1983 c 249 § 2.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Effective date--Implementation--Severability--1988 c 245: See RCW 70.127.900 and 70.127.902.

Effective date--1984 c 22: See note following RCW 48.21.220.

Effective date--1983 c 249: See note following RCW 70.126.001.

Home health care, hospice care, rules: Chapter 70.126 RCW.

**Chapter 48.22 RCW
CASUALTY INSURANCE**

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Notes:

Casualty rates, rating organization: Chapter 48.19 RCW.

Injured public assistance recipient, department has lien, payment to recipient does not discharge lien: RCW 74.09.180, 43.20B.040, and 43.20B.050.

Policy forms, execution, filing, etc.: Chapter 48.18 RCW.

RCW 48.22.005 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Automobile" means a passenger car as defined in RCW 46.04.382 registered or principally garaged in this state other than:

(a) A farm-type tractor or other self-propelled equipment designed for use principally off public roads;

(b) A vehicle operated on rails or crawler-treads;

(c) A vehicle located for use as a residence;

(d) A motor home as defined in RCW 46.04.305; or

(e) A moped as defined in RCW 46.04.304.

(2) "Bodily injury" means bodily injury, sickness, or disease, including death at any time resulting from the injury, sickness, or disease.

(3) "Income continuation benefits" means payments of at least eighty-five percent of the insured's loss of income from work, because of bodily injury sustained by him or her in the accident, less income earned during the benefit payment period. The benefit payment period begins fourteen days after the date of the accident and ends at the earliest of the following:

(a) The date on which the insured is reasonably able to perform the duties of his or her usual occupation;

(b) The expiration of not more than fifty-two weeks from the fourteenth day; or

(c) The date of the insured's death.

(4) "Insured automobile" means an automobile described on the declarations page of the policy.

(5) "Insured" means:

(a) The named insured or a person who is a resident of the named insured's household and is either related to the named insured by blood, marriage, or adoption, or is the named insured's ward, foster child, or stepchild; or

(b) A person who sustains bodily injury caused by accident while: (i) Occupying or using the insured automobile with the permission of the named insured; or (ii) a pedestrian accidentally struck by the insured automobile.

(6) "Loss of services benefits" means reimbursement for payment to others, not members of the insured's household, for expenses reasonably incurred for services in lieu of those the insured would usually have performed for his or her household without compensation, provided the services are actually rendered, and ending the earliest of the following:

(a) The date on which the insured person is reasonably able to perform those services;

(b) The expiration of fifty-two weeks; or

(c) The date of the insured's death.

(7) "Medical and hospital benefits" means payments for all reasonable and necessary expenses incurred by or on behalf of the insured for injuries sustained as a result of an automobile accident for health care services provided by persons licensed under Title 18 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and necessary ambulance, hospital, and professional nursing service.

(8) "Automobile liability insurance policy" means a policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage suffered by any person and arising out of the ownership, maintenance, or use of an insured automobile.

(9) "Named insured" means the individual named in the declarations of the policy and includes his or her spouse if a resident of the same household.

(10) "Occupying" means in or upon or entering into or alighting from.

(11) "Pedestrian" means a natural person not occupying a motor vehicle as defined in RCW 46.04.320.

(12) "Personal injury protection" means the benefits described in this section and RCW 48.22.085 through 48.22.100.

[1993 c 242 § 1.]

Notes:

Severability--1993 c 242: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 242 § 7.]

Effective date--1993 c 242: "Sections 1 through 5 of this act shall take effect July 1, 1994." [1993 c 242 § 8.]

RCW 48.22.020 Assigned risk plans.

The commissioner shall after consultation with the insurers licensed to write motor vehicle liability insurance in this state, approve a reasonable plan or plans for the equitable apportionment among such insurers of applicants for such insurance who are in good faith entitled to but are unable to procure insurance through ordinary methods and, when such plan has been approved, all such insurers shall subscribe thereto and shall participate therein. Any applicant for such insurance, any person insured under such plan and any insurer affected may appeal to the commissioner from any ruling or decision of the manager or committee designated to operate such plan.

[1947 c 79 § .22.02; Rem. Supp. 1947 § 45.22.02.]

Notes:

Rate modifications for assigned risks: RCW 48.19.400.

RCW 48.22.030 Underinsured, hit-and-run, phantom vehicle coverage to be provided--Exceptions--Conditions--Deductibles.

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

(2) No new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage, suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be issued with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of underinsured motor vehicles,

hit-and-run motor vehicles, and phantom vehicles because of bodily injury, death, or property damage, resulting therefrom, except while operating or occupying a motorcycle or motor-driven cycle, and except while operating or occupying a motor vehicle owned or available for the regular use by the named insured or any family member, and which is not insured under the liability coverage of the policy. The coverage required to be offered under this chapter is not applicable to general liability policies, commonly known as umbrella policies, or other policies which apply only as excess to the insurance directly applicable to the vehicle insured.

(3) Except as to property damage, coverage required under subsection (2) of this section shall be in the same amount as the insured's third party liability coverage unless the insured rejects all or part of the coverage as provided in subsection (4) of this section. Coverage for property damage need only be issued in conjunction with coverage for bodily injury or death. Property damage coverage required under subsection (2) of this section shall mean physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage.

(4) A named insured or spouse may reject, in writing, underinsured coverage for bodily injury or death, or property damage, and the requirements of subsections (2) and (3) of this section shall not apply. If a named insured or spouse has rejected underinsured coverage, such coverage shall not be included in any supplemental or renewal policy unless a named insured or spouse subsequently requests such coverage in writing. The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after July 24, 1983, and not to any renewal or replacement policy.

(5) The limit of liability under the policy coverage may be defined as the maximum limits of liability for all damages resulting from any one accident regardless of the number of covered persons, claims made, or vehicles or premiums shown on the policy, or premiums paid, or vehicles involved in an accident.

(6) The policy may provide that if an injured person has other similar insurance available to him under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective coverages.

(7) (a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars.

(8) For the purposes of this chapter, a "phantom vehicle" shall mean a motor vehicle which causes bodily injury, death, or property damage to an insured and has no physical contact with the insured or the vehicle which the insured is occupying at the time of the accident if:

(a) The facts of the accident can be corroborated by competent evidence other than the testimony of the insured or any person having an underinsured motorist claim resulting from the accident; and

(b) The accident has been reported to the appropriate law enforcement agency within seventy-two hours of the accident.

[1985 c 328 § 1; 1983 c 182 § 1; 1981 c 150 § 1; 1980 c 117 § 1; 1967 c 150 § 27.]

Notes:

Severability--1983 c 182: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 182 § 3.]

Effective date--1981 c 150: "This act shall take effect on September 1, 1981." [1981 c 150 § 3.]

Effective date--1980 c 117: "This act shall take effect on September 1, 1980." [1980 c 117 § 8.]

RCW 48.22.040 Underinsured motor vehicle coverage where liability insurer is insolvent--Extent of coverage--Rights of insurer upon making payment.

(1) The term "underinsured motor vehicles" with reference to coverage offered under any insurance policy regulated under this chapter shall, subject to the terms and conditions of such coverage, be deemed to include an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency.

(2) An insurer's insolvency protection shall be applicable only to accidents occurring during a policy period in which its insured's underinsured motorist coverage is in effect where the liability insurer of the tort-feasor becomes insolvent within three years after such an accident. Nothing herein contained shall be construed to prevent any insurer from affording insolvency protection under terms and conditions more favorable to its insureds than is provided hereunder.

(3) In the event of payment to an insured under the coverage required by this chapter and subject to the terms and conditions of such coverage, the insurer making such payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of such insured against any person or organization legally responsible for the bodily injury, death, or property damage for which such payment is made, including the proceeds recoverable from the assets of the insolvent insurer. Whenever an insurer shall make payment under the coverage required by this section and which payment is occasioned by an insolvency, such insurer's right of recovery or reimbursement shall not include any rights against the insured of said insolvent insurer for any amounts which would have been paid by the insolvent insurer. Such paying insurer shall have the right to proceed directly against the insolvent insurer or its receiver, and in pursuance of such right such paying insurer shall possess any rights which the insured of the insolvent company might otherwise have had, if the insured of the insolvent insurer had personally made the payment.

[1983 c 182 § 2; 1980 c 117 § 2; 1967 ex.s. c 95 § 3.]

Notes:

Severability--1983 c 182: See note following RCW 48.22.030.

Effective date--1980 c 117: See note following RCW 48.22.030.

RCW 48.22.050 Market assistance plans.

The commissioner shall by regulation require insurers authorized to write casualty insurance in this state to form a market assistance plan to assist persons and other entities unable to purchase casualty insurance in an adequate amount from either the admitted market or

nonadmitted market.

For the purpose of this section, a market assistance plan means a voluntary mechanism by insurers writing casualty insurance in this state in either the admitted or nonadmitted market to provide casualty insurance for a class of insurance designated in writing to the plan by the commissioner.

The bylaws and method of operation of any market assistance plan shall be approved by the commissioner prior to its operation.

A market assistance plan shall have a minimum of twenty-five insurers willing to insure risks within the class designated by the commissioner. If twenty-five insurers do not voluntarily agree to participate, the commissioner may require casualty insurers to participate in a market assistance plan as a condition of continuing to do business in this state. The commissioner shall make such a requirement to fulfill the quota of at least twenty-five insurers. The commissioner shall make his or her designation on the basis of the insurer's premium volume of casualty insurance in this state.

[1986 c 305 § 906.]

Notes:

Preamble--Report to legislature--Applicability--Severability--1986 c 305: See notes following RCW 4.16.160.

RCW 48.22.060 Debt and financing coverage.

Every insurer that writes collision and comprehensive coverage for loss or damage to "private passenger automobiles" or "motor homes," as those terms are defined in RCW 48.18.297 and 46.04.305, respectively, shall provide, upon the insured's request, coverage that will pay, in the event of total loss, an amount, in excess of the actual cash value of the vehicle, sufficient to satisfy any outstanding indebtedness secured by and incurred in conjunction with the financing of the purchase of a new private passenger automobile or motor home.

Nothing in this section prohibits an insurer from denying or excluding such coverage where the insured or someone acting on the insured's behalf acts in a fraudulent manner to obtain or file a claim under such coverage.

[1988 c 248 § 16; 1987 c 240 § 1.]

Notes:

Effective date--1987 c 240: "The effective date of this act is January 1, 1988." [1987 c 240 § 2.]

RCW 48.22.070 Longshoreman's and harbor worker's compensation coverage--Rules--Plan creation.

(1) The commissioner shall adopt rules establishing a reasonable plan to insure that workers' compensation coverage as required by the United States longshore and harbor workers' compensation act, 33 U.S.C. Secs. 901 through 950, and maritime employer's liability coverage incidental to the workers' compensation coverage is available to those unable to purchase it through the normal insurance market. This plan shall require the participation of all authorized insurers writing primary or excess United States longshore and harbor workers' compensation

insurance in the state of Washington and the Washington state industrial insurance fund as defined in RCW 51.08.175 which is authorized to participate in the plan and to make payments in support of the plan in accordance with this section. Any underwriting losses or surpluses incurred by the plan shall be determined by the governing committee of the plan and shall be shared by plan participants in accordance with the following ratios: The state industrial insurance fund, fifty percent; and authorized insurers writing primary or excess United States longshore and harbor workers' compensation insurance, fifty percent.

(2) The Washington state industrial insurance fund may obtain or provide reinsurance coverage for the plan created under subsection (1) of this section the terms of which shall be negotiated between the state fund and the plan. This coverage shall not be obtained or provided if the commissioner determines that the premium to be charged would result in unaffordable rates for coverage provided by the plan. In considering whether excess of loss coverage premiums would result in unaffordable rates for workers' compensation coverage provided by the plan, the commissioner shall compare the resulting plan rates to those provided under any similar pool or plan of other states.

(3) An applicant for plan insurance, a person insured under the plan, or an insurer, affected by a ruling or decision of the manager or committee designated to operate the plan may appeal to the commissioner for resolution of a dispute. In adopting rules under this section, the commissioner shall require that the plan use generally accepted actuarial principles for rate making.

[1997 c 110 § 1; 1993 c 177 § 1; 1992 c 209 § 2.]

Notes:

Effective date--1997 c 110: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 21, 1997]." [1997 c 110 § 3.]

Effective date--1993 c 177: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 30, 1993]." [1993 c 177 § 4.]

Finding--Declaration--1992 c 209: "The legislature finds and declares that the continued existence of a strong and healthy maritime industry in this state is threatened by the unavailability and excessive cost of workers' compensation coverage required by the United States longshoreman's and harbor worker's compensation act. The legislature, therefore, acting under its authority to protect industry and employment in this state hereby establishes a commission to devise and implement both a near and long-term solution to this problem, for the purpose of maintaining employment for Washington workers and a vigorous maritime industry." [1992 c 209 § 1.]

RCW 48.22.080 Health care liability risk management training program.

Effective July 1, 1994, a casualty insurer's issuance of a new medical malpractice policy or renewal of an existing medical malpractice policy to a physician or other independent health care practitioner shall be conditioned upon that practitioner's participation in, and completion of, an insurer-designed health care liability risk management training program once every three years. Completion of said training program during 1994 shall satisfy the first three-year training requirement. The risk management training shall provide information related to avoiding adverse

health outcomes resulting from substandard practice and minimizing damages associated with the adverse health outcomes that do occur. For purposes of this section, "independent health care practitioners" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to *RCW 18.130.330.

[1994 c 102 § 2; 1993 c 492 § 413.]

Notes:

***Reviser's note:** RCW 18.130.330 was repealed by 1995 c 265 § 27, effective July 1, 1995.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 48.22.085 Automobile liability insurance policy--Optional coverage for personal injury protection--Rejection by insured.

(1) No new automobile liability insurance policy or renewal of such an existing policy may be issued unless personal injury protection coverage benefits at limits established in this chapter for medical and hospital expenses, funeral expenses, income continuation, and loss of services sustained by an insured because of bodily injury caused by an automobile accident are offered as an optional coverage.

(2) A named insured may reject, in writing, personal injury protection coverage and the requirements of subsection (1) of this section shall not apply. If a named insured has rejected personal injury protection coverage, that rejection shall be valid and binding as to all levels of coverage and on all persons who might have otherwise been insured under such coverage. If a named insured has rejected personal injury protection coverage, such coverage shall not be included in any supplemental, renewal, or replacement policy unless a named insured subsequently requests such coverage in writing.

[1993 c 242 § 2.]

Notes:

Severability--Effective date--1993 c 242: See notes following RCW 48.22.005.

RCW 48.22.090 Personal injury protection coverage--Exceptions.

(1) Personal injury protection coverage need not be provided for vendor's single interest policies, general liability policies, or other policies, commonly known as umbrella policies, that apply only as excess to the automobile liability policy directly applicable to the insured motor vehicle.

(2) Personal injury protection coverage need not be provided to or on behalf of:

(a) A person who intentionally causes injury to himself or herself;

(b) A person who is injured while participating in a prearranged or organized racing or speed contest or in practice or preparation for such a contest;

(c) A person whose bodily injury is due to war, whether or not declared, or to an act or condition incident to such circumstances;

(d) A person whose bodily injury results from the radioactive, toxic, explosive, or other hazardous properties of nuclear material;

(e) The named insured or a relative while occupying a motor vehicle owned by the named insured or furnished for the named insured's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made;

(f) A relative while occupying a motor vehicle owned by the relative or furnished for the relative's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made; or

(g) An insured whose bodily injury results or arises from the insured's use of an automobile in the commission of a felony.

[1993 c 242 § 3.]

Notes:

Severability--Effective date--1993 c 242: See notes following RCW 48.22.005.

RCW 48.22.095 Automobile insurance policies--Minimum personal injury protection coverage--Maximum benefit limits.

Insurers providing automobile insurance policies must offer minimum personal injury protection coverage for each insured with maximum benefit limits as follows:

(1) Medical and hospital benefits of ten thousand dollars for expenses incurred within three years of the automobile accident;

(2) Benefits for funeral expenses in an amount of two thousand dollars;

(3) Income continuation benefits covering income losses incurred within one year after the date of the insured's injury in an amount of ten thousand dollars, subject to a limit of the lesser of two hundred dollars per week or eighty-five percent of the weekly income. The combined weekly payment receivable by the insured under any workers' compensation or other disability insurance benefits or other income continuation benefit and this insurance may not exceed eighty-five percent of the insured's weekly income;

(4) Loss of services benefits in an amount of five thousand dollars, subject to a limit of forty dollars per day not to exceed two hundred dollars per week; and

(5) Payments made under personal injury protection coverage are limited to the amount of actual loss or expense incurred.

[1993 c 242 § 4.]

Notes:

Severability--Effective date--1993 c 242: See notes following RCW 48.22.005.

RCW 48.22.100 Automobile insurance policies--In lieu of minimum personal injury protection coverage--Benefit limits.

In lieu of minimum coverage required under RCW 48.22.095, an insurer providing automobile liability insurance policies shall offer and provide, upon request, personal injury

protection coverage with benefit limits for each insured of:

(1) Up to thirty-five thousand dollars for medical and hospital benefits incurred within three years of the automobile accident;

(2) Up to two thousand dollars for funeral expenses incurred;

(3) Up to thirty-five thousand dollars for one year's income continuation benefits, subject to a limit of the lesser of seven hundred dollars per week or eighty-five percent of the weekly income; and

(4) Up to forty dollars per day for loss of services benefits, for up to one year from the date of the automobile accident.

Payments made under personal injury protection coverage are limited to the amount of actual loss or expense incurred.

[1993 c 242 § 5.]

Notes:

Severability--Effective date--1993 c 242: See notes following RCW 48.22.005.

RCW 48.22.105 Rule making.

The commissioner may adopt such rules as are necessary to implement RCW 48.22.005 and 48.22.085 through 48.22.100.

[1993 c 242 § 9.]

Notes:

Severability--1993 c 242: See note following RCW 48.22.005.

RCW 48.22.110 Vendor single-interest or collateral protection coverage--Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 48.22.115 through 48.22.135.

(1) "Borrower" means a person who receives a loan or enters into a retail installment contract under chapter 63.14 RCW to purchase a motor vehicle or vessel in which the secured party holds an interest.

(2) "Motor vehicle" means a motor vehicle in this state subject to registration under chapter 46.16 RCW, except motor vehicles governed by RCW 46.16.020 or registered with the Washington utilities and transportation commission as common or contract carriers.

(3) "Secured party" means a person, corporation, association, partnership, or venture that possesses a bona fide security interest in a motor vehicle or vessel.

(4) "Vendor single-interest" or "collateral protection coverage" means insurance coverage insuring primarily or solely the interest of a secured party but which may include the interest of the borrower in a motor vehicle or vessel serving as collateral and obtained by the secured party or its agent after the borrower has failed to obtain or maintain insurance coverage required by the financing agreement for the motor vehicle or vessel. Vendor single-interest or collateral protection coverage does not include insurance coverage purchased by a secured party for which

the borrower is not charged.

(5) "Vessel" means a vessel as defined in RCW 88.02.010 and includes personal watercraft as defined in *RCW 88.12.010.

[1994 c 186 § 1.]

Notes:

*Reviser's note: RCW 88.12.010 was recodified as RCW 79A.60.010 pursuant to 1999 c 249 § 1601.

Effective date--1994 c 186 §§ 1-5: "Sections 1 through 5 of this act take effect January 1, 1995." [1994 c 186 § 8.]

RCW 48.22.115 Vendor single-interest or collateral protection coverage--Warning.

In a contract or loan agreement, or on a separate document accompanying the contract or loan agreement and signed by the borrower, that provides financing for a motor vehicle or vessel and authorizes a secured party to purchase vendor single interest or collateral protection coverage, the following or substantially similar warning must be set forth in ten-point print:

WARNING

UNLESS YOU PROVIDE US WITH EVIDENCE OF THE INSURANCE COVERAGE AS REQUIRED BY OUR LOAN AGREEMENT, WE MAY PURCHASE INSURANCE AT YOUR EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF THE COLLATERAL BECOMES DAMAGED, THE COVERAGE WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR ANY CLAIM MADE AGAINST YOU. YOU MAY LATER CANCEL THIS COVERAGE BY PROVIDING EVIDENCE THAT YOU HAVE OBTAINED PROPER COVERAGE ELSEWHERE.

YOU ARE RESPONSIBLE FOR THE COST OF ANY INSURANCE PURCHASED BY US. THE COST OF THIS INSURANCE MAY BE ADDED TO YOUR LOAN BALANCE. IF THE COST IS ADDED TO THE LOAN BALANCE, THE INTEREST RATE ON THE UNDERLYING LOAN WILL APPLY TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF COVERAGE MAY BE THE DATE YOUR PRIOR COVERAGE LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF OF COVERAGE.

THE COVERAGE WE PURCHASE MAY BE CONSIDERABLY MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN ON YOUR OWN AND MAY NOT SATISFY WASHINGTON'S MANDATORY LIABILITY INSURANCE LAWS.

[1994 c 186 § 2.]

Notes:

Effective date--1994 c 186 §§ 1-5: See note following RCW 48.22.110.

RCW 48.22.120 Vendor single-interest or collateral protection coverage--Final notice and warning--No requirement to purchase--Effective date of coverage.

(1) A secured party shall not impose charges, that may include but are not limited to interest, finance, and premium charges, on a borrower for vendor single interest or collateral protection coverage for the motor vehicle or vessel as provided in subsection (2) of this section until the following or a substantially similar warning printed in ten-point type is sent to the borrower:

FINAL NOTICE AND WARNING

UNLESS YOU PROVIDE US WITH EVIDENCE OF THE INSURANCE COVERAGE AS REQUIRED BY OUR LOAN AGREEMENT WITHIN FIVE DAYS AFTER THE POSTMARK ON THIS LETTER, WE WILL PURCHASE INSURANCE AT YOUR EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF THE COLLATERAL BECOMES DAMAGED, THE COVERAGE WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR ANY CLAIM MADE AGAINST YOU. YOU MAY LATER CANCEL THIS COVERAGE BY PROVIDING EVIDENCE THAT YOU HAVE OBTAINED PROPER COVERAGE ELSEWHERE OR HAVE PAID OFF THE LOAN ON THE COLLATERAL IN ITS ENTIRETY.

YOU ARE RESPONSIBLE FOR THE COST OF THE INSURANCE PURCHASED BY US. THE COST OF THIS INSURANCE MAY BE ADDED TO YOUR LOAN BALANCE. IF THE COST IS ADDED TO THE LOAN BALANCE, THE INTEREST RATE ON THE UNDERLYING LOAN WILL APPLY TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF COVERAGE MAY BE THE DATE YOUR COVERAGE LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF OF COVERAGE.

THE COVERAGE WE PURCHASE WILL COST YOU A TOTAL OF APPROXIMATELY \$ (PLUS INTEREST) AND MAY BE CONSIDERABLY MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN ON YOUR OWN.

The final notice and warning shall identify whether the coverage to be purchased is vendor single interest or collateral protection coverage and disclose the extent of the borrower's coverage, if any, including a statement of whether the coverage satisfies Washington's mandatory liability insurance laws.

(2) If reasonable efforts to provide the borrower with the notice required under

subsection (1) of this section fail to produce evidence of the required insurance, the secured party may proceed to impose charges for vendor single interest or collateral protection coverage no sooner than eight days after giving notice as required under this chapter. Reasonable efforts to provide notice under this section means:

(a) Within thirty days before the secured party is required to send the final notice and warning in compliance with subsection (1) of this section, the secured party shall mail a notice by first class mail to the borrower's last known address as contained in the secured party's records. The notice shall state that the secured party intends to charge the borrower for vendor single interest or collateral protection coverage on the collateral if the borrower fails to provide evidence of proper insurance to the lender; and

(b) The secured party shall send the final notice and warning notice in compliance with subsection (1) of this section by certified mail to the borrower's last known address as contained in the secured party's records at least eight days before the insurance is charged to the borrower by the insurer.

(3) The secured party is responsible for complying with subsection (2)(a) and (b) of this section. However, a secured party may seek the services of other entities to fulfill the requirements of subsection (2)(a) and (b) of this section.

(4) Nothing contained in this chapter, or a secured party's compliance with or failure to comply with this chapter, shall be construed to require the secured party to purchase vendor single interest or collateral protection coverage, and the secured party shall not be liable to the borrower or any third party as a result of its failure to purchase vendor single interest or collateral protection coverage.

(5) Substantial compliance by a secured party with RCW 48.22.110 through 48.22.130 constitutes a complete defense to any claim arising under the laws of this state challenging the secured party's placement of vendor single interest or collateral protection coverage.

(6) The effective date of vendor single interest or collateral protection coverage placed under this chapter shall be either the date that the borrower's prior coverage lapsed or the date that the borrower failed to provide proof of coverage on the vehicle or vessel as required under the contract or loan agreement. Premiums for vendor single interest or collateral protection coverage placed under this chapter shall be calculated on a basis that does not exceed the outstanding credit balance as of the effective date of the coverage even though the coverage may limit liability to the outstanding balance, actual cash value, or cost of repair.

(7) If the secured party has purchased the contract or loan agreement relating to the motor vehicle or vessel from the seller of the motor vehicle or vessel under an agreement that the seller must repurchase the contract or loan agreement in the event of a default by the borrower, the secured party shall send a copy of the notice provided under subsection (2)(a) of this section by first class mail to the seller at the seller's last known address on file with the secured party when such notice is sent to the borrower under subsection (2)(a) of this section.

[1994 c 186 § 3.]

Notes:

Effective date--1994 c 186 §§ 1-5: See note following RCW 48.22.110.

RCW 48.22.125 Vendor single-interest or collateral protection coverage--Cancellation when borrower has obtained insurance--Interest rate for financing.

(1) The secured party shall cancel vendor single interest or collateral protection coverage charged to the borrower effective the date of receipt of proper evidence from the borrower that the borrower has obtained insurance to protect the secured party's interest. Proper evidence includes an insurance binder that is no older than ninety days from the date of issuance and that contains physical damage coverage as provided in the borrower's loan agreement with respect to the motor vehicle or vessel.

(2) If the underlying loan or extension of credit for the underlying loan is satisfied, the secured party may not require the borrower to maintain vendor single interest or collateral protection coverage that has been purchased.

(3) The interest rate for financing the cost of vendor single interest or collateral protection coverage may not exceed the interest rate applied to the underlying loan obligation.

[1994 c 186 § 4.]

Notes:

Effective date--1994 c 186 §§ 1-5: See note following RCW 48.22.110.

RCW 48.22.130 Vendor single-interest or collateral protection coverage--Canceled or discontinued--Premium refund.

If vendor single interest or collateral protection coverage is canceled or discontinued under RCW 48.22.125 (1) or (2), the amount of unearned premium must be refunded to the borrower. At the option of the secured party, this refund may take the form of a credit against the borrower's obligation to the secured party. If the refund is taken as a credit against the borrower's obligation to the secured party, the secured party shall provide the borrower with an itemized statement that indicates the amount of the credit and where the credit has been applied.

[1994 c 186 § 5.]

Notes:

Effective date--1994 c 186 §§ 1-5: See note following RCW 48.22.110.

RCW 48.22.135 Vendor single-interest or collateral protection coverage--Application.

The failure of a secured party prior to January 1, 1995, to provide notice as contemplated in this chapter, or otherwise to administer a vendor single interest or collateral protection coverage program in a manner similar to that required under this chapter, shall not be admissible in any court or arbitration proceeding or otherwise used to prove that a secured party's actions with respect to vendor single interest or collateral protection coverage or similar coverage were unlawful or otherwise improper. A secured party shall not be liable to the borrower or any other party for placing vendor single interest or collateral protection coverage in accordance with the terms of an otherwise legal loan or other written agreement with the borrower entered prior to January 1, 1995. The provisions of this section shall be applicable with respect to actions pending or commenced on or after June 9, 1994.

[1994 c 186 § 7.]

RCW 48.22.140 Driver's license suspension for nonpayment of child support--Exclusion of unlicensed driver from insurance coverage not applicable--Notation in driving record.

In the event that the department of licensing suspends a driver's license solely for the nonpayment of child support as provided in chapter 74.20A RCW or for noncompliance with a residential or visitation order as provided in *chapter 26.09 RCW, any provision in the driver's motor vehicle liability insurance policy excluding insurance coverage for an unlicensed driver shall not apply to the driver for ninety days from the date of suspension. When a driver's license is suspended under chapter 74.20A RCW, the driving record for the suspended driver shall include a notation that explains the reason for the suspension.

[1997 c 58 § 808.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

**Chapter 48.23 RCW
LIFE INSURANCE AND ANNUITIES**

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NOTES:

Assignment of policies: RCW 48.18.360.

Charitable gift annuity business: Chapter 48.38 RCW.

Exemption of proceeds

commutation, annuities: RCW 48.18.430.

life insurance: RCW 48.18.410.

Insurable interest, personal insurance, nonprofit organizations: RCW 48.18.030.

Minor may contract for life or disability insurance: RCW 48.18.020.

Payment to person designated in policy or by assignment discharges insurer: RCW 48.18.370.

Policy forms, execution, filing, etc.: Chapter 48.18 RCW.

Simultaneous deaths: RCW 48.18.390.

Spouses' rights in life insurance policy: RCW 48.18.440.

RCW 48.23.010 Scope of chapter.

The provisions of this chapter apply to contracts of life insurance and annuities other than

group life insurance, group annuities, and, except for RCW 48.23.260, 48.23.270, 48.23.340, and *48.23.350, other than industrial life insurance: PROVIDED, That the provisions of Title 48 RCW shall not apply to charitable gift annuities issued by a board of a state university, regional university, or a state college, nor to the issuance thereof.

[1979 c 130 § 2; 1947 c 79 § .23.01; Rem. Supp. 1947 § 45.23.01.]

Notes:

*Reviser's note: RCW 48.23.350 was repealed by 1982 1st ex.s. c 9 § 36; later enactment, see chapter 48.76 RCW.

Severability--1979 c 130: See note following RCW 28B.10.485.

RCW 48.23.020 Standard provisions required--Life insurance.

(1) No policy of life insurance other than industrial, group and pure endowments with or without return of premiums or of premiums and interest, shall be delivered or issued for delivery in this state unless it contains in substance all of the provisions required by RCW 48.23.030 to 48.23.130, inclusive. This provision shall not apply to annuity contracts.

(2) Any of such provisions or portions thereof not applicable to single premium or term policies shall to that extent not be incorporated therein.

[1947 c 79 § .23.02; Rem. Supp. 1947 § 45.23.02.]

RCW 48.23.030 Grace period.

There shall be a provision that the insured is entitled to a grace period of one month, but not less than thirty days, within which the payment of any premium after the first may be made, subject at the option of the insurer to an interest charge not in excess of six percent per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in force, but in case the policy becomes a claim during the grace period before the overdue premium is paid, or the deferred premiums of the current policy year, if any, are paid, the amount of such premium or premiums with interest thereon may be deducted in any settlement under the policy.

[1947 c 79 § .23.03; Rem. Supp. 1947 § 45.23.03.]

RCW 48.23.040 Entire contract--Representations.

In all such policies other than those containing a clause making the policy incontestable from date of issue, there shall be a provision that the policy and the application therefor, if a copy thereof has been endorsed upon or attached to the policy at issue and made a part thereof, shall constitute the entire contract between the parties, and that all statements made by the applicant or by the insured, shall, in the absence of fraud, be deemed representations and not warranties.

[1947 c 79 § .23.04; Rem. Supp. 1947 § 45.23.04.]

RCW 48.23.050 Incontestability.

There shall be a provision that the policy shall be incontestable after it has been in force during the lifetime of the insured for a period of two years from its date of issue, except for nonpayment of premiums and except, at the option of the insurer, as to provisions relative to benefits in event of total and permanent disability and as to provisions which grant additional insurance specifically against accidental death.

[1947 c 79 § .23.05; Rem. Supp. 1947 § 45.23.05.]

RCW 48.23.060 Misstatement of age.

There shall be a provision that if it is found that the age of the insured (or the age of any other individual considered in determining the premium) has been misstated, the amount payable under the policy shall be such as the premium would have purchased at the correct age or ages, according to the insurer's rate at date of issue.

[1947 c 79 § .23.06; Rem. Supp. 1947 § 45.23.06.]

RCW 48.23.070 Participation in surplus.

(1) In all policies which provide for participation in the insurer's surplus, there shall be a provision that the policy shall so participate annually in the insurer's divisible surplus as apportioned by the insurer, beginning not later than the end of the third policy year. Any policy containing provision for annual participation beginning at the end of the first policy year, may also provide that each dividend shall be paid subject to the payment of the premiums for the next ensuing year. The insured under any annual dividend policy shall have the right each year to have the current dividend arising from such participation either paid in cash, or applied in accordance with such other dividend option as may be specified in the policy and elected by the insured. The policy shall further provide which of the options shall be effective if the insured shall fail to notify the insurer in writing of his election within the period of grace allowed for the payment of premium.

(2) This section shall not apply to paid-up nonforfeiture benefits nor paid-up policies issued on default in payment of premiums.

[1947 c 79 § .23.07; Rem. Supp. 1947 § 45.23.07.]

RCW 48.23.075 Participation in surplus--Requirements for forms.

(1) Life insurance and annuity policy forms of the following types shall be defined and designated as participating forms of insurance only if they contain a provision for participation in the insurer's surplus, and shall be defined and designated as nonparticipating forms if they do not contain a provision for participation in the insurer's surplus:

(a) Forms which provide that the premium or consideration at the time of issue and

subsequent premiums or considerations will be established by the insurer based on current, or then current, projected assumptions for such factors as interest, mortality, persistency, expense, or other factors, subject to a maximum guaranteed premium or premiums set forth in the policy; and

(b) Forms (except those for variable life insurance and variable annuity plans which are subject to chapter 48.18A RCW) which provide that their premiums or considerations are credited to an account to which interest is credited, and from which the cost of any life insurance or annuity benefits or other benefits or specified expenses are deducted.

(2) The commissioner may by regulation further clarify the definitions and requirements contained in subsection (1) of this section, and may classify any other types of forms as participating or nonparticipating, consistent therewith.

[1982 c 181 § 19.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.23.080 Policy loan.

(1) There shall be a provision that after three full years' premiums have been paid thereon, the insurer at any time, while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a rate of interest provided in this chapter as now or hereafter amended, a sum to be determined as follows:

(a) If such policy is issued prior to the operative date of *RCW 48.23.350, the sum, including any interest paid in advance but not beyond the end of the current policy year, shall be equal to or at the option of the owner of the policy less than, the reserve at the end of the current policy year on the policy and on any dividend additions thereto, less a sum not more than two and one-half percent of the amount insured by the policy and of any dividend additions thereto. The policy may contain a provision by which the insurer reserves the right to defer the making of the loan, except when made to pay premiums, for a period not exceeding six months after the date of application therefor.

(b) If such policy is issued on or after such operative date, the sum, including any interest to the end of the current policy year shall not exceed the cash surrender value at the end of the current policy year, as required by *RCW 48.23.350.

(c)(i) The policy shall contain (A) a provision that policy loans shall bear interest at a specified rate not exceeding six percent per annum, or (B) a provision that policy loans shall bear interest at a variable of not less than four nor more than eight percent per annum.

(ii) The variable rate shall not be changed more frequently than once per year and no change may exceed one percent per annum except reductions. The insurer shall give at least thirty days' notice to the policy owner or the owner's designee of any changes in the interest rate.

(iii) The provisions of (c)(i) and (c)(ii) of this subsection shall apply only in policies in existence prior to August 1, 1981.

(2) Such policy shall further provide that the insurer may deduct from such loan value

any existing indebtedness on the policy (unless such indebtedness has already been deducted in determining the cash surrender value) and any unpaid balance of the premium for the current policy year; and that if the loan is made or repaid on a date other than the anniversary of the policy, the insurer shall be entitled to interest for the portion of the current policy year at the rate of interest specified in the policy.

(3) Such policy may further provide that if the interest on the loan is not paid when due, it shall be added to the existing indebtedness and shall bear interest at the same rate; and that if and when the total indebtedness on the policy, including interest due or accruing, equals or exceeds the amount of the loan value thereof which would otherwise exist at such time, the policy shall terminate in full settlement of such indebtedness and become void; except, that it shall be stipulated in the policy that no such termination shall be effective prior to the expiration of at least thirty days after notice of the pendency of the termination was mailed by the insurer to the insured and the assignee, if any, at their respective addresses last of record with the insurer.

(4) The insurer shall provide in any policy issued on or after the operative date of *RCW 48.23.350 that the making of any loan, other than a loan to pay premiums, may be deferred for not exceeding six months after the application for the loan has been received by it.

[1981 c 247 § 3; 1977 ex.s. c 250 § 1; 1947 c 79 § .23.08; Rem. Supp. 1947 § 45.23.08.]

Notes:

***Reviser's note:** RCW 48.23.350 was repealed by 1982 1st ex.s. c 9 § 36; later enactment, see chapter 48.76 RCW.

Purpose--Effective date--1981 c 247: See notes following RCW 48.23.085.

Construction--1977 ex.s. c 250: "This 1977 amendatory act shall not impair the terms and conditions of any policy of life insurance in force prior to the effective date of this 1977 amendatory act." [1977 ex.s. c 250 § 2.]

RCW 48.23.085 Policy loan interest rates.

(1) As used in this section, "published monthly average" means:

(a) The "Moody's Corporate Bond Yield Average - Monthly Average Corporates" as published by Moody's Investors Service, Incorporated or any successor thereto; or

(b) If the "Moody's Corporate Bond Yield Average - Monthly Average Corporates" is no longer published, a substantially similar average, established by rule issued by the commissioner.

(2) Policies issued on or after August 1, 1981, shall provide for policy loan interest rates by containing:

(a) A provision permitting a maximum interest rate of not more than eight percent per annum; or

(b) A provision permitting an adjustable maximum interest rate established from time to time by the life insurer as permitted by law.

(3) The rate of interest charged on a policy loan made under (2)(b) of this section shall not exceed the higher of the following:

(a) The published monthly average for the calendar month ending two months before the date on which the rate is determined; or

(b) The rate used to compute the cash surrender values under the policy during the

applicable period plus one percent per annum.

(4) If the maximum rate of interest is determined pursuant to (2)(b) of this section, the policy shall contain a provision setting forth the frequency at which the rate is to be determined for that policy.

(5) The maximum rate for each policy shall be determined at regular intervals at least once every twelve months, but not more frequently than once in any three-month period. At the intervals specified in the policy:

(a) The rate being charged may be increased whenever such increase as determined under subsection (3) of this section would increase that rate by one-half of one percent or more per annum; and

(b) The rate being charged shall be reduced whenever such reduction as determined under subsection (3) of this section would decrease that rate by one-half of one percent or more per annum.

(6) The life insurer shall:

(a) Notify the policyholder at the time a cash loan is made of the initial rate of interest on the loan;

(b) Notify the policyholder with respect to premium loans of the initial rate of interest on the loan as soon as it is reasonably practical to do so after making the initial loan. Notice need not be given to the policyholder when a further premium loan is added, except as provided in (c) of this subsection;

(c) Send to policyholders with loans reasonable advance notice of any increase in the rate; and

(d) Include in the notices required in this subsection the substance of the pertinent provisions of subsections (2) and (4) of this section.

(7) The substance of the pertinent provisions of subsections (2) and (4) of this section shall be set forth in the policies to which they apply.

(8) The loan value of the policy shall be determined in accordance with RCW 48.23.080, but no policy shall terminate in a policy year as the sole result of change in the interest rate during that policy year, and the life insurer shall maintain coverage during that policy year until the time at which it would otherwise have terminated if there had been no change during that policy year.

(9) For purposes of this section:

(a) The rate of interest on policy loans permitted under this section includes the interest rate charged on reinstatement of policy loans for the period during and after any lapse of a policy;

(b) The term "policy loan" includes any premium loan made under a policy to pay one or more premiums that were not paid to the life insurer as they fell due;

(c) The term "policyholder" includes the owner of the policy or the person designated to pay premiums as shown on the records of the life insurer; and

(d) The term "policy" includes certificates issued by a fraternal benefit society and annuity contracts which provide for policy loans.

(10) No other provision of law shall apply to policy loan interest rates unless made

specifically applicable to such rates.

[1981 c 247 § 2.]

Notes:

Purpose--1981 c 247: "The purpose of this act is to permit and set guidelines for life insurers to include in life insurance policies issued after the effective date of this act a provision for periodic adjustment of policy loan interest rates." [1981 c 247 § 1.]

Effective date--1981 c 247: "This act shall take effect August 1, 1981, and shall not apply to any insurance contract before that date." [1981 c 247 § 5.]

RCW 48.23.090 Table of values and options.

There shall be a table showing in figures the loan value, if any, and any options available under the policy each year upon default in premium payments, during at least the first twenty years of the policy, or for its life if maturity or expiry occurs in less than twenty years.

[1947 c 79 § .23.09; Rem. Supp. 1947 § 45.23.09.]

RCW 48.23.100 Nonforfeiture options.

There shall be a provision specifying the option to which the policyholder is automatically entitled in the absence of the election of other nonforfeiture options upon default in premium payment after nonforfeiture values become available.

[1947 c 79 § .23.10; Rem. Supp. 1947 § 45.23.10.]

RCW 48.23.110 Table of installments.

If the policy provides for payment of its proceeds in installments or as an annuity, a table showing the amount and period of such installments or annuity shall be included in the policy. Except, that if in the judgment of the commissioner it is not practical to include certain tables in the policy, the requirements of this section may be met as to such policy by the insurer filing such tables with the commissioner.

[1947 c 79 § .23.11; Rem. Supp. 1947 § 45.23.11.]

RCW 48.23.120 Reinstatement.

There shall be a provision that the policy may be reinstated at any time within three years after the date of default in the payment of any premium, unless the policy has been surrendered for its cash value, or the period of any extended insurance provided by the policy has expired, upon evidence of insurability satisfactory to the insurer and the payment of all overdue premiums, and payment (or, within the limits permitted by the then cash values of the policy, reinstatement) of any other indebtedness to the insurer upon the policy with interest as to premiums at a rate not exceeding six percent per annum compounded annually.

[1981 c 247 § 4; 1947 c 79 § .23.12; Rem. Supp. 1947 § 45.23.12.]

Notes:

Purpose--Effective date--1981 c 247: See notes following RCW 48.23.085.

RCW 48.23.130 Settlement on proof of death.

There shall be a provision that when a policy becomes a claim by the death of the insured, settlement shall be made upon receipt of due proof of death and surrender of the policy.

[1947 c 79 § .23.13; Rem. Supp. 1947 § 45.23.13.]

RCW 48.23.140 Standard provisions--Annuities, pure endowment contracts.

No annuity or pure endowment contract, other than reversionary annuities, or survivorship annuities, or group annuities, shall be delivered or issued for delivery in this state unless it contains in substance each of the provisions specified in RCW 48.23.150 to 48.23.210 inclusive. Any of such provisions not applicable to single premium annuities or single premium pure endowment contracts shall not, to that extent, be incorporated therein.

This section shall not apply to contracts for deferred annuities included in, or upon the lives of beneficiaries under, life insurance policies.

[1947 c 79 § .23.14; Rem. Supp. 1947 § 45.23.14.]

RCW 48.23.150 Grace period--Annuities, pure endowments.

In such contracts, there shall be a provision that there shall be a period of grace of one month, but not less than thirty days, within which any stipulated payment to the insurer falling due after the first may be made, subject at the option of the insurer, to an interest charge thereon at a rate to be specified in the contract but not exceeding six percent per annum for the number of days of grace elapsing before such payment, during which period of grace, the contract shall continue in full force; but in case a claim arises under the contract on account of death prior to expiration of the period of grace before the overdue payment to the insurer of the deferred payments of the current contract year, if any, are made, the amount of such payments, with interest on any overdue payments, may be deducted from any amount payable under the contract in settlement.

[1947 c 79 § .23.15; Rem. Supp. 1947 § 45.23.15.]

RCW 48.23.160 Incontestability--Annuities, pure endowments.

If any statements, other than those relating to age, sex, and identity, are required as a condition to issuing such an annuity or pure endowment contract, and subject to RCW 48.23.180, there shall be a provision that the contract shall be incontestable after it has been in force during the lifetime of the person or of each of the persons as to whom such statements are required, for a period of two years from its date of issue, except for nonpayment of stipulated payments to the insurer; and at the option of the insurer, such contract may also except any

provisions relative to benefits in the event of total and permanent disability and any provisions which grant insurance specifically against death by accident.

[1947 c 79 § .23.16; Rem. Supp. 1947 § 45.23.16.]

RCW 48.23.170 Entire contract--Annuities, pure endowments.

In such contracts there shall be a provision that the contract shall constitute the entire contract between the parties, or, if a copy of the application is endorsed upon or attached to the contract when issued, a provision that the contract and the application therefor shall constitute the entire contract between the parties.

[1947 c 79 § .23.17; Rem. Supp. 1947 § 45.23.17.]

RCW 48.23.180 Misstatement of age or sex--Annuities, pure endowments.

In such contracts there shall be a provision that if the age or sex of the person or persons upon whose life or lives the contract is made, or if any of them has been misstated, the amount payable or benefit accruing under the contract shall be such as the stipulated payment or payments to the insurer would have purchased according to the correct age or sex; and that if the insurer shall make or has made any underpayment or underpayments or any overpayment or overpayments on account of any such misstatement, the amount thereof, with interest at the rate to be specified in the contract but not exceeding six percent per annum, shall, in the case of underpayment, be paid the insured or, in the case of overpayment, may be charged against the current or next succeeding payment or payments to be made by the insurer under the contract.

[1982 c 181 § 12; 1947 c 79 § .23.18; Rem. Supp. 1947 § 45.23.18.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.23.190 Dividends--Annuities, pure endowments.

If such contract is participating, there shall be a provision that the insurer shall annually ascertain and apportion any divisible surplus accruing on the contract.

[1947 c 79 § .23.19; Rem. Supp. 1947 § 45.23.19.]

RCW 48.23.200 Nonforfeiture benefits--Annuities, pure endowments.

Such contracts issued after the operative date of RCW 48.23.360 and individual deferred annuities issued before the operative date of RCW 48.23.420 through 48.23.520 shall contain:

(1) A provision that in the event of default in any stipulated payment, the insurer will grant a paid-up nonforfeiture benefit on a plan stipulated in the contract, effective as of such date, of such value as is hereinafter specified.

(2) A statement of the mortality table and interest rate used in calculating the paid-up

nonforfeiture benefit available under the contract.

(3) An explanation of the manner in which the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the contract or any indebtedness to the insurer on the contract.

[1982 1st ex.s. c 9 § 34; 1979 c 157 § 3; 1947 c 79 § .23.20; Rem. Supp. 1947 § 45.23.20.]

RCW 48.23.210 Reinstatement--Annuities, pure endowments.

In such contracts there shall be a provision that the contract may be reinstated at any time within one year from the date of default in making stipulated payments to the insurer, unless the cash surrender value has been paid, but all overdue stipulated payments and any indebtedness to the insurer on the contract shall be paid or reinstated, with interest thereon at a rate to be specified in the contract but not exceeding six percent per annum payable annually, and in cases where applicable, the insurer may also include a requirement of evidence of insurability satisfactory to the insurer.

[1947 c 79 § .23.21; Rem. Supp. 1947 § 45.23.21.]

RCW 48.23.220 Standard provisions--Reversionary annuities.

No contract for a reversionary annuity shall be delivered or issued for delivery in this state unless it contains in substance each of the provisions specified in RCW 48.23.230 and 48.23.240. Any of such provisions not applicable to single premium annuities shall not, to that extent, be incorporated therein.

This section shall not apply to group annuities or to annuities included in life insurance policies.

[1947 c 79 § .23.22; Rem. Supp. 1947 § 45.23.22.]

RCW 48.23.230 Sections applicable.

Any such reversionary annuity contract shall contain the provisions specified in RCW 48.23.150 to 48.23.190, inclusive, except that under RCW 48.23.150 the insurer may at its option provide for an equitable reduction of the amount of the annuity payments in settlement of an overdue or deferred payment in lieu of providing for a deduction of such payments from an amount payable upon a settlement under the contract.

[1947 c 79 § .23.23; Rem. Supp. 1947 § 45.23.23.]

RCW 48.23.240 Reinstatement--Reversionary annuities.

In such reversionary annuity contracts there shall be a provision that the contract may be reinstated at any time within three years from the date of default in making stipulated payments to the insurer, upon production of evidence of insurability satisfactory to the insurer, and upon

condition that all overdue payments and any indebtedness to the insurer on account of the contract be paid, or, within the limits permitted by the then cash values of the contract, reinstated, with interest as to both payments and indebtedness at a rate to be specified in the contract but not exceeding six percent per annum compounded annually.

[1947 c 79 § .23.24; Rem. Supp. 1947 § 45.23.24.]

RCW 48.23.250 Supplemental benefits.

The commissioner may make reasonable rules and regulations concerning the conditions in provisions granting additional benefits in event of the insured's accidental death, or in event the insured becomes totally and permanently disabled, which are a part of or supplemental to life insurance contracts.

[1947 c 79 § .23.25; Rem. Supp. 1947 § 45.23.25.]

RCW 48.23.260 Limitation of liability.

(1) The insurer may in any life insurance policy or annuity or pure endowment contract limit its liability to a determinable amount not less than the full reserve of the policy and of dividend additions thereto in event only of death occurring:

(a) As a result of war, or any act of war, declared or undeclared, or of service in the military, naval or air forces or in civilian forces auxiliary thereto, or from any cause while a member of any such military, naval or air forces of any country at war, declared or undeclared.

(b) As a result of suicide of the insured, whether sane or insane, within two years from date of issue of the policy.

(c) As a result of aviation under conditions specified in the policy.

(2) An insurer may specify conditions pertaining to the items of subsection (1) of this section which in the commissioner's opinion are more favorable to the policyholder.

[1947 c 79 § .23.26; Rem. Supp. 1947 § 45.23.26.]

RCW 48.23.270 Incontestability after reinstatement.

The reinstatement of any policy of life insurance or contract of annuity hereafter delivered or issued for delivery in this state may be contestable on account of fraud or misrepresentation of facts material to the reinstatement only for the same period following reinstatement as the policy provides with respect to contestability after original issuance.

[1947 c 79 § .23.27; Rem. Supp. 1947 § 45.23.27.]

RCW 48.23.290 Premium deposits.

(1) A life insurer may, under such policy provisions or agreements as have been approved by the commissioner consistent with this section, contract for and accept premium deposits in

addition to the regular premiums specified in the policy, for the purpose of paying future premiums, or to facilitate conversion of the policy, or to increase the benefits thereof.

(2) The unused accumulation from such deposits shall be held and accounted for as a premium deposit fund, and the policy or agreement shall provide for the manner of application of the premium deposit fund to the payment of premiums otherwise in default and for the disposition of the fund if it is not sufficient to pay the next premium.

(3) Such fund shall:

(a) Be available upon surrender of the policy, in addition to the cash surrender value; and

(b) be payable upon the insured's death or upon maturity of the policy; and

(c) be paid to the insured whenever the cash surrender value together with the premium deposit fund equals or exceeds the amount of insurance provided by the policy, unless the amount of the deposit does not exceed that which may be required to facilitate conversion of the policy to another plan in accordance with its terms.

(4) No part of the premium deposit fund shall be paid to the insured during the continuance of the policy except at such times and in such amounts as is specified in the policy or in the deposit agreement.

[1947 c 79 § .23.29; Rem. Supp. 1947 § 45.23.29.]

RCW 48.23.300 Policy settlements--Interest.

Any life insurer shall have the power to hold under agreement the proceeds of any policy issued by it, upon such terms and restrictions as to revocation by the policyholder and control by beneficiaries, and with such exemptions from the claims of creditors of beneficiaries other than the policyholder as set forth in the policy or as agreed to in writing by the insurer and the policyholder. Upon maturity of a policy in the event the policyholder has made no such agreement, the insurer shall have the power to hold the proceeds of the policy under an agreement with the beneficiaries. The insurer shall not be required to segregate funds so held but may hold them as part of its general assets.

An insurer shall pay interest on death benefits payable under the terms of a life insurance policy insuring the life of any person who was a resident of this state at the time of death. Such interest shall accrue commencing on the date of death at the rate then paid by the insurer on other withdrawable policy proceeds left with the company, but not less than eight percent. Benefits payable that have not been tendered to the beneficiary within ninety days of the receipt of proof of death shall accrue interest, commencing on the ninety-first day, at the aforementioned rate plus three percent. This section applies to death of insureds that occur on or after September 1, 1985.

[1985 c 264 § 23; 1983 1st ex.s. c 32 § 21; 1947 c 79 § .23.30; Rem. Supp. 1947 § 45.23.30.]

RCW 48.23.310 Deduction of indebtedness.

In determining the amount due under any life insurance policy heretofore or hereafter issued, deduction may be made of

(1) any unpaid premiums or installments thereof for the current policy year due under the terms of the policy, and of

(2) the amount of principal and accrued interest of any policy loan or other indebtedness against the policy then remaining unpaid, such principal increased by unpaid interest and compounded as provided in this chapter.

[1947 c 79 § .23.31; Rem. Supp. 1947 § 45.23.31.]

RCW 48.23.320 Miscellaneous proceeds.

Upon the death of the insured and except as is otherwise expressly provided by the policy or premium deposit agreement, a life insurer may pay to the surviving spouse, children, beneficiary, or other person other than the insured's estate, appearing to the insurer to be equitably entitled thereto, sums held by it and comprising:

(1) Premiums paid in advance, and which premiums did not fall due prior to such death, or funds held on deposit for the payment of future premiums.

(2) Dividends theretofore declared on the policy and held by the insurer under the insured's option.

(3) Dividends becoming payable on or after the death of the insured.

[1947 c 79 § .23.32; Rem. Supp. 1947 § 45.23.32.]

RCW 48.23.330 Trafficking in dividend rights.

No life insurer nor any of its representatives, agents, or affiliates, shall buy, take by assignment other than in connection with policy loans, or otherwise deal or traffic in any rights to dividends existing under participating life insurance policies issued by the insurer.

[1947 c 79 § .23.33; Rem. Supp. 1947 § 45.23.33.]

RCW 48.23.340 Prohibited policy plans.

No life insurer shall hereafter issue for delivery or deliver in this state any life insurance policy:

(1) Issued under any plan for the segregation of policyholders into mathematical groups and providing benefits for a surviving policyholder of a group arising out of the death of another policyholder of such group, or under any other similar plan.

(2) Providing benefits or values for surviving or continuing policyholders contingent upon the lapse or termination of the policies of other policyholders, whether by death or otherwise.

[1947 c 79 § .23.34; Rem. Supp. 1947 § 45.23.34.]

RCW 48.23.345 Juvenile life insurance--Speculative or fraudulent purposes.

Life insurers shall develop and implement underwriting standards and procedures designed to detect and prevent the purchase of juvenile life insurance for speculative or fraudulent purposes. These standards and procedures shall be made available for review by the commissioner.

Life insurers shall maintain records of underwriting rejections of applications for life insurance on juvenile lives for a period of ten years.

[2001 c 197 § 1.]

NOTES:

Effective date--2001 c 197: "This act takes effect August 1, 2001." [2001 c 197 § 2.]

RCW 48.23.360 Calculation of nonforfeiture benefits under annuities.

(1) Nonforfeiture benefits: Any paid-up nonforfeiture benefit available under any annuity or pure endowment contract pursuant to RCW 48.23.200, in the event of default in a consideration due on any contract anniversary shall be such that its present value as of such anniversary shall be not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits (excluding any total disability benefits attached to such contracts) which would have been provided for by the contract including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the net consideration defined in subsection (2) of this section corresponding to considerations which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the company on the contract, including interest due or accrued. In determining the benefits referred to in this section and in calculating the net consideration referred to in such subsection (2), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional dates, the annuity payments shall be deemed to commence at the latest date permitted by the contract for the commencement of such payments and the considerations shall be deemed to be payable until such date, which, however, shall not be later than the contract anniversary nearest the annuitant's seventieth birthday.

(2) Net considerations: The net considerations for any annuity or pure endowment contract referred to in subsection (1) of this section shall be calculated on an annual basis, shall be such that the present value thereof at date of issue of the annuity shall equal the then present value of the future benefits thereunder (excluding any total disability benefits attached to such contracts) and shall be not less than the following percentages of the respective considerations specified in the contracts for the respective contract years:

First year. fifty percent
Second and subsequent years. ninety percent

PROVIDED, That in the case of participating annuity contracts the percentages hereinbefore specified may be decreased by five.

(3) Basis of calculation: All net considerations and present values for such contracts referred to in this section shall be calculated on the basis of the 1937 Standard Annuity Mortality

Table or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner, and the rate of interest, not exceeding three and one-half percent per annum, specified in the contract for calculating cash surrender values, if any, and paid-up nonforfeiture benefits; except that with respect to annuity and pure endowment contracts issued on or after the operative date of *RCW 48.12.150(3)(b)(ii) for such contracts, such rate of interest may be as high as four percent per annum: PROVIDED, That if such rate of interest exceeds three and one-half percent per annum, all net considerations and present values for such contracts referred to in this section shall be calculated on the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner.

(4) Calculations on default: Any cash surrender value and any paid-up nonforfeiture benefit, available under any such contract in the event of default in the payment of any consideration due at any time other than on the contract anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional considerations beyond the last preceding contract anniversary. All values herein referred to may be calculated upon the assumption that any death benefit is payable at the end of the contract year of death.

(5) Deferment of payment: If an insurer provides for the payment of a cash surrender value, it shall reserve the right to defer the payment of such value for a period of six months after demand therefor with surrender of the contract.

(6) Lump sum in lieu: Notwithstanding the requirements of this section, any deferred annuity contract may provide that if the annuity allowed under any paid-up nonforfeiture benefit would be less than one hundred twenty dollars annually, the insurer may at its option grant a cash surrender value in lieu of such paid-up nonforfeiture benefit of such amount as may be required by subsection (3) of this section.

(7) Operative date: If no election is made by an insurer for an operative date prior to July 1, 1948, such date shall be the operative date for this section.

[1973 1st ex.s. c 162 § 6; 1951 c 190 § 1; 1947 c 79 § .23.36; Rem. Supp. 1947 § 45.23.36.]

Notes:

*Reviser's note: RCW 48.12.150 was repealed by 1982 1st ex.s. c 9 § 36; later enactment, see chapter 48.74 RCW.

RCW 48.23.370 Duties of insurer issuing both participating and nonparticipating policies--Rules.

(1) A life insurer issuing both participating and nonparticipating policies shall maintain records which segregate the participating from the nonparticipating business and clearly show the profits and losses upon each such category of business.

(2) For the purposes of such accounting the insurer shall make a reasonable allocation as between the respective such categories of the expenses of such general operations or functions as are jointly shared. Any allocation of expense as between the respective categories shall be made upon a reasonable basis, to the end that each category shall bear a just portion of joint expense involved in the administration of the business of such category.

(3) No policy hereafter delivered or issued for delivery in this state shall provide for, and no life insurer or representative shall hereafter knowingly offer or promise payment, credit or distribution of participating "dividends," "earnings," "profits," or "savings," by whatever name called, to participating policies out of such profits, earnings or savings on nonparticipating policies.

(4) The commissioner may promulgate rules for the purpose of assuring the equitable treatment of all policyholders so that one group of policyholders shall not support or be supported by another group of policyholders.

[1982 c 181 § 13; 1965 ex.s. c 70 § 22.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.23.380 Return of policy and refund of premium--Grace period--Notice--Effect.

Every individual life insurance policy issued after September 1, 1977, shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the premium paid refunded if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy owner pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

This section shall not apply to individual life insurance policies issued in connection with a credit transaction or issued under a contractual policy change or conversion privilege provision contained in a policy.

[1983 1st ex.s. c 32 § 10; 1977 c 60 § 1.]

RCW 48.23.410 Short title.

RCW 48.23.420 through 48.23.520 shall be known as the standard nonforfeiture law for individual deferred annuities.

[1982 1st ex.s. c 9 § 21.]

RCW 48.23.420 Inapplicability of enumerated sections to certain policies.

RCW 48.23.420 through 48.23.520 do not apply to any reinsurance; group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement

annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended; premium deposit fund; variable annuity; investment annuity; immediate annuity; any deferred annuity contract after annuity payments have commenced; or reversionary annuity; nor to any contract which is delivered outside this state through an agent or other representative of the company issuing the contract.

[1982 1st ex.s. c 9 § 22.]

RCW 48.23.430 Paid-up annuity and cash surrender provisions required.

In the case of contracts issued on or after the operative date of this section as defined in RCW 48.23.520, no contract of annuity, except as stated in RCW 48.23.420, may be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the contract holder, upon cessation of payment of considerations under the contract:

(1) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in RCW 48.23.450, 48.23.460, 48.23.470, 48.23.480, and 48.23.500;

(2) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or before the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in RCW 48.23.450, 48.23.460, 48.23.480, and 48.23.500. The company shall reserve the right to defer the payment of such cash surrender benefit for a period of six months after demand therefor with surrender of the contract;

(3) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender, or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of such benefits; and

(4) A statement that any paid-up annuity, cash surrender, or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract, or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements of this section, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid before such period would be less than twenty dollars monthly, the company may at its option terminate the contract by payment in cash of the then present value of the portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment is relieved of any further obligation under such contract.

[1982 1st ex.s. c 9 § 23.]

RCW 48.23.440 Minimum nonforfeiture amounts.

The minimum values as specified in RCW 48.23.450, 48.23.460, 48.23.470, 48.23.480, and 48.23.500 of any paid-up annuity, cash surrender, or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this section.

(1) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments is equal to an accumulation up to such time at a rate of interest of three percent per annum of percentages of the net considerations, as defined in this subsection, paid prior to such time, decreased by the sum of:

(a) Any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three percent per annum; and

(b) The amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars and less a collection charge of one dollar and twenty-five cents per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five percent of the net consideration for the first contract year and eighty-seven and one-half percent of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five percent of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five percent.

(2) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two exceptions:

(a) The portion of the net consideration for the first contract year to be accumulated shall be the sum of sixty-five percent of the net consideration for the first contract year plus twenty-two and one-half percent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years; and

(b) The annual contract charge shall be the lesser of (i) thirty dollars or (ii) ten percent of the gross annual consideration.

(3) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to ninety percent and the net consideration shall be the gross consideration less a contract charge of seventy-five dollars.

[1982 1st ex.s. c 9 § 24.]

RCW 48.23.450 Minimum present value of paid-up annuity benefit.

Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

[1982 1st ex.s. c 9 § 25.]

RCW 48.23.460 Minimum cash surrender benefits--Death benefit.

For contracts which provide cash surrender benefits, such cash surrender benefits available before maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than one percent higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event may any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

[1982 1st ex.s. c 9 § 26.]

RCW 48.23.470 Contracts without cash surrender, death benefits--Minimum present value of paid-up annuity benefits.

For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid before the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit.

However, in no event may the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

[1982 1st ex.s. c 9 § 27.]

RCW 48.23.480 Optional maturity dates.

For the purpose of determining the benefits calculated under RCW 48.23.460 and 48.23.470, in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election is permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

[1982 1st ex.s. c 9 § 28.]

RCW 48.23.490 Statement required in contract without cash surrender or death benefits.

Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

[1982 1st ex.s. c 9 § 29.]

RCW 48.23.500 Calculation of benefits available other than on contract anniversary.

Any paid-up annuity, cash surrender, or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

[1982 1st ex.s. c 9 § 30.]

RCW 48.23.510 Additional benefits.

For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of RCW 48.23.450, 48.23.460, 48.23.470, 48.23.480, and 48.23.500, additional benefits payable (1)

in the event of total and permanent disability, (2) as reversionary annuity or deferred reversionary annuity benefits, or (3) as other policy benefits additional to life insurance, endowment, and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, or cash surrender and death benefits that may be required by RCW 48.23.410 through 48.23.520. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, or cash surrender and death benefits.

[1982 1st ex.s. c 9 § 31.]

RCW 48.23.520 Operative date of RCW 48.23.410 through 48.23.520.

After July 10, 1982, any company may file with the commissioner a written notice of its election to comply with the provisions of RCW 48.23.410 through 48.23.520 after a specified date before the second anniversary of July 10, 1982. After the filing of such notice, then upon such specified date, which shall be the operative date of RCW 48.23.410 through 48.23.520 for such company, RCW 48.23.410 through 48.23.520 shall become operative with respect to annuity contracts thereafter issued by such company. If a company makes no such election, the operative date of RCW 48.23.410 through 48.23.520 for such company shall be the second anniversary of July 10, 1982.

[1982 1st ex.s. c 9 § 32.]

**Chapter 48.23A RCW
LIFE INSURANCE POLICY ILLUSTRATIONS**

Sections

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RCW 48.23A.005 Purpose--Standards for life insurance policy illustrations.

The purpose of this chapter is to provide standards for life insurance policy illustrations that will protect consumers and foster consumer education by providing illustration formats, prescribing standards to be followed when illustrations are used, and specifying the disclosures that are required in connection with illustrations. The goals of these standards are to ensure that illustrations do not mislead purchasers of life insurance and to make illustrations more understandable. Insurers will, as far as possible, eliminate the use of footnotes and caveats and define terms used in the illustration in language that would be understood by a typical person within the segment of the public to which the illustration is directed.

[1997 c 313 § 1.]

RCW 48.23A.010 Scope of chapter--Exceptions.

This chapter applies to all group and individual life insurance policies and certificates except:

- (1) Variable life insurance;
- (2) Individual and group annuity contracts;
- (3) Credit life insurance; or
- (4) Life insurance policies with no illustrated death benefits on any individual exceeding ten thousand dollars.

[1997 c 313 § 2.]

RCW 48.23A.015 Definitions.

The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1) "Actuarial standards board" means the board established by the American academy of actuaries to develop and adopt standards of actuarial practice.

(2) "Contract premium" means the gross premium that is required to be paid under a fixed premium policy, including the premium for a rider for which benefits are shown in the illustration.

(3) "Currently payable scale" means a scale of nonguaranteed elements in effect for a policy form as of the preparation date of the illustration or declared to become effective within the next ninety-five days.

(4) "Disciplined current scale" means a scale of nonguaranteed elements constituting a limit on illustrations currently being illustrated by an insurer that is reasonably based on actual recent historical experience, as certified annually by an illustration actuary designated by the insurer. Further guidance in determining the disciplined current scale as contained in standards established by the actuarial standards board may be relied upon if the standards:

- (a) Are consistent with all provisions of this chapter;
 - (b) Limit a disciplined current scale to reflect only actions that have already been taken or events that have already occurred;
 - (c) Do not permit a disciplined current scale to include any projected trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and
 - (d) Do not permit assumed expenses to be less than minimum assumed expenses.
- (5) "Generic name" means a short title descriptive of the policy being illustrated, such as whole life, term life, or flexible premium adjustable life.
- (6) "Guaranteed elements" means the premiums, benefits, values, credits, or charges under a policy of life insurance that are guaranteed and determined at issue.
- (7) "Nonguaranteed elements" means the premiums, benefits, values, credits, or charges under a policy of life insurance that are not guaranteed or not determined at issue.
- (8) "Illustrated scale" means a scale of nonguaranteed elements currently being illustrated that is not more favorable to the policy owner than the lesser of:
- (a) The disciplined current scale; or
 - (b) The currently payable scale.
- (9) "Illustration" means a presentation or depiction that includes nonguaranteed elements of a policy of life insurance over a period of years and that is one of the three types defined below:
- (a) "Basic illustration" means a ledger or proposal used in the sale of a life insurance policy that shows both guaranteed and nonguaranteed elements.
 - (b) "Supplemental illustration" means an illustration furnished in addition to a basic illustration that meets the applicable requirements of this chapter, and that may be presented in a format differing from the basic illustration, but may only depict a scale of nonguaranteed elements that is permitted in a basic illustration.
 - (c) "In-force illustration" means an illustration furnished at any time after the policy that it depicts has been in force for one year or more.
- (10) "Illustration actuary" means an actuary meeting the requirements of RCW 48.23A.080 who certifies to illustrations based on the standard of practice adopted by the actuarial standards board.
- (11) "Lapse-supported illustration" means an illustration of a policy form failing the test of self-supporting, as defined in this section, under a modified persistency rate assumption using persistency rates underlying the disciplined current scale for the first five years and one hundred percent policy persistency thereafter.
- (a) "Minimum assumed expenses" means the minimum expenses that may be used in the calculation of the disciplined current scale for a policy form. The insurer may choose to designate each year the method of determining assumed expenses for all policy forms from the following:
 - (i) Fully allocated expenses;
 - (ii) Marginal expenses; and
 - (iii) A generally recognized expense table based on fully allocated expenses representing

a significant portion of insurance companies and approved by the national association of insurance commissioners.

(b) Marginal expenses may be used only if greater than a generally recognized expense table. If no generally recognized expense table is approved, fully allocated expenses must be used.

(12) "Nonterm group life" means a group policy or individual policies of life insurance issued to members of an employer group or other permitted group where:

- (a) Every plan of coverage was selected by the employer or other group representative;
- (b) Some portion of the premium is paid by the group or through payroll deduction; and
- (c) Group underwriting or simplified underwriting is used.

(13) "Policy owner" means the owner named in the policy or the certificate holder in the case of a group policy.

(14) "Premium outlay" means the amount of premium assumed to be paid by the policy owner or other premium payer out-of-pocket.

(15) "Self-supporting illustration" means an illustration of a policy form for which it can be demonstrated that, when using experience assumptions underlying the disciplined current scale, for all illustrated points in time on or after the fifteenth policy anniversary or the twentieth policy anniversary for second-or-later-to-die policies, or upon policy expiration if sooner, the accumulated value of all policy cash flows equals or exceeds the total policy owner value available. For this purpose, policy owner value will include cash surrender values and any other illustrated benefit amounts available at the policy owner's election.

[1997 c 313 § 3.]

RCW 48.23A.020 Marketing with or without an illustration--Notice to commissioner--Conditions--Availability.

(1) Each insurer marketing policies to which this chapter is applicable shall notify the commissioner whether a policy form is to be marketed with or without an illustration. For all policy forms being actively marketed on January 1, 1998, the insurer shall identify in writing those forms and whether or not an illustration will be used with them. For policy forms filed after January 1, 1998, the identification shall be made at the time of filing. Any previous identification may be changed by notice to the commissioner.

(2) If the insurer identifies a policy form as one to be marketed without an illustration, any use of an illustration for any policy using that form prior to the first policy anniversary is prohibited.

(3) If a policy form is identified by the insurer as one to be marketed with an illustration, a basic illustration prepared and delivered in accordance with this chapter is required, except that a basic illustration need not be provided to individual members of a group or to individuals insured under multiple lives coverage issued to a single applicant unless the coverage is marketed to these individuals. The illustration furnished an applicant for a group life insurance policy or policies issued to a single applicant on multiple lives may be either an individual or composite illustration representative of the coverage on the lives of members of the group or the

multiple lives covered.

(4) Potential enrollees of nonterm group life subject to this chapter shall be furnished a quotation with the enrollment materials. The quotation shall show potential policy values for sample ages and policy years on a guaranteed and nonguaranteed basis appropriate to the group and the coverage. This quotation is not considered an illustration for purposes of this chapter, but all information provided shall be consistent with the illustrated scale. A basic illustration shall be provided at delivery of the certificate to enrollees for nonterm group life who enroll for more than the minimum premium necessary to provide pure death benefit protection. In addition, the insurer shall make a basic illustration available to any nonterm group life enrollee who requests it.

[1997 c 313 § 4.]

RCW 48.23A.030 Illustration used in sale--Label--Required basic information--Prohibitions--Use of interest rate.

(1) An illustration used in the sale of a life insurance policy shall satisfy the applicable requirements of this chapter, be clearly labeled "life insurance illustration," and contain the following basic information:

- (a) Name of insurer;
- (b) Name and business address of producer or insurer's authorized representative, if any;
- (c) Name, age, and sex of proposed insured, except where a composite illustration is permitted under this chapter;
- (d) Underwriting or rating classification upon which the illustration is based;
- (e) Generic name of policy, the company product name, if different, and form number;
- (f) Initial death benefit; and
- (g) Dividend option election or application of nonguaranteed elements, if applicable.

(2) When using an illustration in the sale of a life insurance policy, an insurer or its producers or other authorized representatives shall not:

- (a) Represent the policy as anything other than life insurance policy;
- (b) Use or describe nonguaranteed elements in a manner that is misleading or has the capacity or tendency to mislead;
- (c) State or imply that the payment or amount of nonguaranteed elements is guaranteed;
- (d) Use an illustration that does not comply with the requirements of this chapter;
- (e) Use an illustration that at any policy duration depicts policy performance more favorable to the policy owner than that produced by the illustrated scale of the insurer whose policy is being illustrated;
- (f) Provide an applicant with an incomplete illustration;
- (g) Represent in any way that premium payments will not be required for each year of the policy in order to maintain the illustrated death benefits, unless that is the fact;
- (h) Use the term "vanish" or "vanishing premium," or a similar term that implies the policy becomes paid up, to describe a plan for using nonguaranteed elements to pay a portion of future premiums;

(i) Except for policies that can never develop nonforfeiture values, use an illustration that is "lapse-supported"; or

(j) Use an illustration that is not "self-supporting."

(3) If an interest rate used to determine the illustrated nonguaranteed elements is shown, it shall not be greater than the earned interest rate underlying the disciplined current scale.

[1997 c 313 § 5.]

RCW 48.23A.040 Basic illustration--Conforming requirements--Brief descriptions--Numeric summaries--Required statements.

(1) A basic illustration shall conform with the following requirements:

(a) The illustration shall be labeled with the date on which it was prepared.

(b) Each page, including any explanatory notes or pages, shall be numbered and show its relationship to the total number of pages in the illustration (for example, the fourth page of a seven-page illustration shall be labeled "page 4 of 7 pages").

(c) The assumed dates of payment receipt and benefit payout within a policy year shall be clearly identified.

(d) If the age of the proposed insured is shown as a component of the tabular detail, it shall be issue age plus the numbers of years the policy is assumed to have been in force.

(e) The assumed payments on which the illustrated benefits and values are based shall be identified as premium outlay or contract premium, as applicable. For policies that do not require a specific contract premium, the illustrated payments shall be identified as premium outlay.

(f) Guaranteed death benefits and values available upon surrender, if any, for the illustrated premium outlay or contract premium shall be shown and clearly labeled guaranteed.

(g) If the illustration shows any nonguaranteed elements, they cannot be based on a scale more favorable to the policy owner than the insurer's illustrated scale at any duration. These elements shall be clearly labeled nonguaranteed.

(h) The guaranteed elements, if any, shall be shown before corresponding nonguaranteed elements and shall be specifically referred to on any page of an illustration that shows or describes only the nonguaranteed elements (for example, "see page one for guaranteed elements").

(i) The account or accumulation value of a policy, if shown, shall be identified by the name this value is given in the policy being illustrated and shown in close proximity to the corresponding value available upon surrender.

(j) The value available upon surrender shall be identified by the name this value is given in the policy being illustrated and shall be the amount available to the policy owner in a lump sum after deduction of surrender charges, policy loans, and policy loan interest, as applicable.

(k) Illustrations may show policy benefits and values in graphic or chart form in addition to the tabular form.

(l) Any illustration of nonguaranteed elements shall be accompanied by a statement indicating that:

(i) The benefits and values are not guaranteed;

- (ii) The assumptions on which they are based are subject to change by the insurer; and
- (iii) Actual results may be more or less favorable.

(m) If the illustration shows that the premium payer may have the option to allow policy charges to be paid using nonguaranteed values, the illustration must clearly disclose that a charge continues to be required and that, depending on actual results, the premium payer may need to continue or resume premium outlays. Similar disclosure shall be made for premium outlay of lesser amounts or shorter durations than the contract premium. If a contract premium is due, the premium outlay display shall not be left blank or show zero unless accompanied by an asterisk or similar mark to draw attention to the fact that the policy is not paid up.

(n) If the applicant plans to use dividends or policy values, guaranteed or nonguaranteed, to pay all or a portion of the contract premium or policy charges, or for any other purpose, the illustration may reflect those plans and the impact on future policy benefits and values.

(2) A basic illustration shall include the following:

(a) A brief description of the policy being illustrated, including a statement that it is a life insurance policy;

(b) A brief description of the premium outlay or contract premium, as applicable, for the policy. For a policy that does not require payment of a specific contract premium, the illustration shall show the premium outlay that must be paid to guarantee coverage for the term of the contract, subject to maximum premiums allowable to qualify as a life insurance policy under the applicable provisions of the internal revenue code;

(c) A brief description of any policy features, riders, or options, guaranteed or nonguaranteed, shown in the basic illustration and the impact they may have on the benefits and values of the policy;

(d) Identification and a brief definition of column headings and key terms used in the illustration; and

(e) A statement containing in substance the following: "This illustration assumes that the currently illustrated, nonguaranteed elements will continue unchanged for all years shown. This is not likely to occur, and actual results may be more or less favorable than those shown."

(3)(a) Following the narrative summary, a basic illustration shall include a numeric summary of the death benefits and values and the premium outlay and contract premium, as applicable. For a policy that provides for a contract premium, the guaranteed death benefits and values shall be based on the contract premium. This summary shall be shown for at least policy years five, ten, and twenty and at age seventy, if applicable, on the three bases shown below. For multiple life policies the summary shall show policy years five, ten, twenty, and thirty.

(i) Policy guarantees;

(ii) Insurer's illustrated scale;

(iii) Insurer's illustrated scale used but with the nonguaranteed elements reduced as follows:

(A) Dividends at fifty percent of the dividends contained in the illustrated scale used;

(B) Nonguaranteed credited interest at rates that are the average of the guaranteed rates and the rates contained in the illustrated scale used; and

(C) All nonguaranteed charges, including but not limited to, term insurance charges and

mortality and expense charges, at rates that are the average of the guaranteed rates and the rates contained in the illustrated scale used.

(b) In addition, if coverage would cease prior to policy maturity or age one hundred, the year in which coverage ceases shall be identified for each of the three bases.

(4) Statements substantially similar to the following shall be included on the same page as the numeric summary and signed by the applicant, or the policy owner in the case of an illustration provided at time of delivery, as required in this chapter.

(a) A statement to be signed and dated by the applicant or policy owner reading as follows: "I have received a copy of this illustration and understand that any nonguaranteed elements illustrated are subject to change and could be either higher or lower. The agent has told me they are not guaranteed."

(b) A statement to be signed and dated by the insurance producer or other authorized representative of the insurer reading as follows: "I certify that this illustration has been presented to the applicant and that I have explained that any nonguaranteed elements illustrated are subject to change. I have made no statements that are inconsistent with the illustration."

(5)(a) A basic illustration shall include the following for at least each policy year from one to ten and for every fifth policy year thereafter ending at age one hundred, policy maturity, or final expiration; and except for term insurance beyond the twentieth year, for any year in which the premium outlay and contract premium, if applicable, is to change:

(i) The premium outlay and mode the applicant plans to pay and the contract premium, as applicable;

(ii) The corresponding guaranteed death benefit, as provided in the policy; and

(iii) The corresponding guaranteed value available upon surrender, as provided in the policy.

(b) For a policy that provides for a contract premium, the guaranteed death benefit and value available upon surrender shall correspond to the contract premium.

(c) Nonguaranteed elements may be shown if described in the contract. In the case of an illustration for a policy on which the insurer intends to credit terminal dividends, they may be shown if the insurer's current practice is to pay terminal dividends. If any nonguaranteed elements are shown, they must be shown at the same durations as the corresponding guaranteed elements, if any. If no guaranteed benefit or value is available at any duration for which a nonguaranteed benefit or value is shown, a zero shall be displayed in the guaranteed column.

[1997 c 313 § 6.]

RCW 48.23A.050 Supplemental illustration--Conditions for use--Reference to basic illustration.

(1) A supplemental illustration may be provided so long as:

(a) It is appended to, accompanied by, or preceded by a basic illustration that complies with this chapter;

(b) The nonguaranteed elements shown are not more favorable to the policy owner than the corresponding elements based on the scale used in the basic illustration;

(c) It contains the same statement required of a basic illustration that nonguaranteed elements are not guaranteed; and

(d) For a policy that has a contract premium, the contract premium underlying the supplemental illustration is equal to the contract premium shown in the basic illustration. For policies that do not require a contract premium, the premium outlay underlying the supplemental illustration shall be equal to the premium outlay shown in the basic illustration.

(2) The supplemental illustration shall include a notice referring to the basic illustration for guaranteed elements and other important information.

[1997 c 313 § 7.]

RCW 48.23A.060 Illustration used or not used during sale--Signed copy of illustration or acknowledgment of no use--Computer screen--Retained copies.

(1)(a) If a basic illustration is used by an insurance producer or other authorized representative of the insurer in the sale of a life insurance policy and the policy is applied for as illustrated, a copy of that illustration, signed in accordance with this chapter, shall be submitted to the insurer at the time of policy application. A copy shall also be provided to the applicant.

(b) If the policy is issued other than as applied for, a revised basic illustration conforming to the policy as issued shall be sent with the policy. The revised illustration shall conform to the requirements of this chapter, be labeled "revised illustration," and be signed and dated by the applicant or policy owner and producer or other authorized representative of the insurer no later than the time the policy is delivered. A copy shall be provided to the insurer and the policy owner.

(2)(a) If no illustration is used by an insurance producer or other authorized representative in the sale of a life insurance policy, or if the policy is applied for other than as illustrated, the producer or representative shall certify to that effect in writing on a form provided by the insurer. On the same form the applicant shall acknowledge that no illustration conforming to the policy applied for was provided and shall further acknowledge an understanding that an illustration conforming to the policy as issued will be provided no later than at the time of policy delivery. This form shall be submitted to the insurer at the time of policy application.

(b) If the policy is issued, a basic illustration conforming to the policy as issued shall be sent with the policy and signed no later than the time the policy is delivered. A copy shall be provided to the insurer and the policy owner.

(3)(a) Where a computer screen illustration is used that cannot be printed out during use, the producer shall certify in writing on a form provided by the insurer that a computer screen illustration was displayed. Such form shall require the producer to provide, as applicable, the generic name of the policy and any riders illustrated, the guaranteed and nonguaranteed interest rates illustrated, the number of policy years illustrated, the initial death benefit, the premium amount illustrated, and the assumed number of years of premiums. On the same form the applicant shall acknowledge that an illustration matching that which was displayed on the computer screen will be provided no later than the time of policy delivery. A copy of this signed form shall be provided to the applicant at the time it is signed.

(b) If the policy is issued, a basic illustration conforming to the policy as issued shall be sent with the policy and signed by the policy owner no later than the time the policy is delivered. A copy shall be provided to the policy owner and retained by the insurer.

(c) If a computer screen illustration is used that can be printed during use, a copy of that illustration, signed in accordance with this chapter, shall be submitted to the insurer at the time of policy application. A copy shall also be provided to the applicant.

(d) If the basic illustration or revised illustration is sent to the applicant or policy owner by mail from the insurer, it shall include instructions for the applicant or policy owner to sign the duplicate copy of the numeric summary page of the illustration for the policy issued and return the signed copy to the insurer. The insurer's obligation under this subsection is satisfied if it can demonstrate that it has made a diligent effort to secure a signed copy of the numeric summary page. The requirement to make a diligent effort shall be deemed satisfied if the insurer includes in the mailing a self-addressed, postage prepaid envelope with instructions for the return of the signed numeric summary page.

(4) A copy of the basic illustration and a revised basic illustration, if any, signed as applicable, along with any certification that either no illustration was used or that the policy was applied for other than as illustrated, shall be retained by the insurer until three years after the policy is no longer in force. A copy need not be retained if no policy is issued.

[1997 c 313 § 8.]

RCW 48.23A.070 Policy designated for use of illustrations--Annual report--Required information--In-force illustrations--Notice of adverse changes.

(1) In the case of a policy designated as one for which illustrations will be used, the insurer shall provide each policy owner with an annual report on the status of the policy that shall contain at least the following information:

(a) For universal life policies, the report shall include the following:

(i) The beginning and end date of the current report period;

(ii) The policy value at the end of the previous report period and at the end of the current report period;

(iii) The total amounts that have been credited or debited to the policy value during the current report period, identifying each type, such as interest, mortality, expense, and riders;

(iv) The current death benefit at the end of the current report period on each life covered by the policy;

(v) The net cash surrender value of the policy as of the end of the current report period;

(vi) The amount of outstanding loans, if any, as of the end of the current report period;

and

(vii) For fixed premium policies: If, assuming guaranteed interest, mortality, and expense loads and continued scheduled premium payments, the policy's net cash surrender value is such that it would not maintain insurance in force until the end of the next reporting period, a notice to this effect shall be included in the report; or

(viii) For flexible premium policies: If, assuming guaranteed interest, mortality, and

expense loads, the policy's net cash surrender value will not maintain insurance in force until the end of the next reporting period unless further premium payments are made, a notice to this effect shall be included in the report.

(b) For all other policies, where applicable:

- (i) Current death benefit;
- (ii) Annual contract premium;
- (iii) Current cash surrender value;
- (iv) Current dividend;
- (v) Application of current dividend; and
- (vi) Amount of outstanding loan.

(c) Insurers writing life insurance policies that do not build nonforfeiture values shall only be required to provide an annual report with respect to these policies for those years when a change has been made to nonguaranteed policy elements by the insurer.

(2) If the annual report does not include an in-force illustration, it shall contain the following notice displayed prominently: "IMPORTANT POLICY OWNER NOTICE: You should consider requesting more detailed information about your policy to understand how it may perform in the future. You should not consider replacement of your policy or make changes in your coverage without requesting a current illustration. You may annually request, without charge, such an illustration by calling (insurer's phone number), writing to (insurer's name) at (insurer's address) or contacting your agent. If you do not receive a current illustration of your policy within 30 days from your request, you should contact your state insurance department." The insurer may vary the sequential order of the methods for obtaining an in-force illustration.

(3) Upon the request of the policy owner, the insurer shall furnish an in-force illustration of current and future benefits and values based on the insurer's present illustrated scale. This illustration shall comply with the requirements of RCW 48.23A.030 (1) and (2) and 48.23A.040 (1) and (5). No signature or other acknowledgment of receipt of this illustration shall be required.

(4) If an adverse change in nonguaranteed elements that could affect the policy has been made by the insurer since the last annual report, the annual report shall contain a notice of that fact and the nature of the change prominently displayed.

[1997 c 313 § 9.]

RCW 48.23A.080 Illustration actuaries--Conditions for appointment--Duties--Certifications--Disclosures to commissioner.

(1) The board of directors of each insurer shall appoint one or more illustration actuaries.

(2) The illustration actuary shall certify that the disciplined current scale used in illustrations is in conformity with the actuarial standard of practice for compliance with the national association of insurance commissioners model regulation on life insurance illustrations adopted by the actuarial standards board, and that the illustrated scales used in insurer-authorized illustrations meet the requirements of this chapter.

(3) The illustration actuary shall:

- (a) Be a member in good standing of the American academy of actuaries;
- (b) Be familiar with the standard of practice regarding life insurance policy illustrations;
- (c) Not have been found by the commissioner, following appropriate notice and hearing

to have:

(i) Violated any provision of, or any obligation imposed by, the insurance law or other law in the course of his or her dealings as an illustration actuary;

(ii) Been found guilty of fraudulent or dishonest practices;

(iii) Demonstrated his or her incompetence, lack of cooperation, or untrustworthiness to act as an illustration actuary; or

(iv) Resigned or been removed as an illustration actuary within the past five years as a result of acts or omissions indicated in any adverse report on examination or as a result of a failure to adhere to generally acceptable actuarial standards;

(d) Not fail to notify the commissioner of any action taken by a commissioner of another state similar to that under (c) of this subsection;

(e) Disclose in the annual certification whether, since the last certification, a currently payable scale applicable for business issued within the previous five years and within the scope of the certification has been reduced for reasons other than changes in the experience factors underlying the disciplined current scale. If nonguaranteed elements illustrated for new policies are not consistent with those illustrated for similar in-force policies, this must be disclosed in the annual certification. If nonguaranteed elements illustrated for both new and in-force policies are not consistent with the nonguaranteed elements actually being paid, charged, or credited to the same or similar forms, this must be disclosed in the annual certification; and

(f) Disclose in the annual certification the method used to allocate overhead expenses for all illustrations:

(i) Fully allocated expenses;

(ii) Marginal expenses; or

(iii) A generally recognized expense table based on fully allocated expenses representing a significant portion of insurance companies and approved by the national association of insurance commissioners.

(4)(a) The illustration actuary shall file a certification with the board of directors and with the commissioner:

(i) Annually for all policy forms for which illustrations are used; and

(ii) Before a new policy form is illustrated.

(b) If an error in a previous certification is discovered, the illustration actuary shall notify the board of directors of the insurer and the commissioner promptly.

(5) If an illustration actuary is unable to certify the scale for any policy form illustration the insurer intends to use, the actuary shall notify the board of directors of the insurer and the commissioner promptly of his or her inability to certify.

(6) A responsible officer of the insurer, other than the illustration actuary, shall certify annually:

(a) That the illustration formats meet the requirements of this chapter and that the scales used in insurer-authorized illustrations are those scales certified by the illustration actuary; and

(b) That the company has provided its agents with information about the expense allocation method used by the company in its illustrations and disclosed as required in subsection (3)(f) of this section.

(7) The annual certifications shall be provided to the commissioner each year by a date determined by the insurer.

(8) If an insurer changes the illustration actuary responsible for all or a portion of the company's policy forms, the insurer shall notify the commissioner of that fact promptly and disclose the reason for the change.

[1997 c 313 § 10.]

RCW 48.23A.090 Violations--RCW 48.30.010(1).

In addition to any other penalties provided by law, an insurer or producer that violates a requirement of this chapter is guilty of a violation of RCW 48.30.010(1).

[1997 c 313 § 11.]

RCW 48.23A.900 Severability--1997 c 313.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1997 c 313 § 12.]

RCW 48.23A.901 Effective date--Application--1997 c 313.

This act takes effect January 1, 1998, and applies to policies sold on or after January 1, 1998.

[1997 c 313 § 13.]

**Chapter 48.24 RCW
GROUP LIFE AND ANNUITIES**

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Notes:

Charitable gift annuity business: Chapter 48.38 RCW.

Exemption of proceeds, group life: RCW 48.18.420.

Group insurance on irrigation district employees: RCW 87.03.160.

Payment to person designated in policy or by assignment discharges insurer: RCW 48.18.370.

Payroll deduction of public employees for insurance and medical benefits authorized: RCW 41.04.020.

Payroll deductions and employees' contribution for group insurance on employees of second class cities or towns authorized: RCW 35.23.460.

Policy dividends are payable to real party in interest: RCW 48.18.340.

Policy forms, execution, filing, etc.: Chapter 48.18 RCW.

RCW 48.24.010 Group requirements.

(1) No contract of life insurance shall hereafter be delivered or issued for delivery in this state insuring the lives of more than one individual unless to one of the groups as provided for in this chapter, and unless in compliance with the other provisions of this chapter.

(2) Subsection (1) of this section shall not apply to contracts of life insurance

(a) insuring only individuals related by marriage, by blood, or by legal adoption; or

(b) insuring only individuals having a common interest through ownership of a business enterprise, or of a substantial legal interest or equity therein, and who are actively engaged in the management thereof; or

(c) insuring the lives of employees and retirees under contracts executed with the state health care authority under the provisions of chapter 41.05 RCW.

[1988 c 107 § 22; 1973 1st ex.s. c 147 § 11; 1947 c 79 § .24.01; Rem. Supp. 1947 § 45.24.01.]

Notes:

Implementation--Effective dates--1988 c 107: See RCW 41.05.901.

Effective date--Effect of veto--Savings--Severability--1973 1st ex.s. c 147: See notes following RCW 41.05.050.

RCW 48.24.020 Employee groups.

The lives of a group of individuals may be insured under a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustee is deemed the policyholder, insuring employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(1) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least seventy-five percent of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least ten employees at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees.

[1955 c 303 § 29; 1947 c 79 § .24.02; Rem. Supp. 1947 § 45.24.02.]

RCW 48.24.025 Payment of premium by employee when compensation suspended due to labor dispute.

Any employee whose compensation includes group life insurance, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the policyholder whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the policy provides. During that period of time the policy may not be altered or changed. Nothing in this

section shall be deemed to impair the right of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such insurance coverage is no longer available, then the employee shall be given the opportunity to purchase an individual policy at a rate consistent with rates filed by the insurer with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the policyholder in writing, by mail addressed to the address last on record with the policyholder, that the employee may pay the premiums to the policyholder as they become due as provided in this section.

Payment of the premiums must be made when due or the insurance coverage may be terminated by the insurer.

The provisions of any insurance policy contrary to provisions of this section are void and unenforceable after May 29, 1975.

[1975 1st ex.s. c 117 § 2.]

Notes:

Severability--1975 1st ex.s. c 117: See note following RCW 48.21.075.

RCW 48.24.030 Dependents of employees or members of certain groups.

(1) Insurance under any group life insurance policy issued pursuant to RCW 48.24.020, or 48.24.050, or 48.24.060, or 48.24.070 or 48.24.090 may, if seventy-five percent of the then insured employees or labor union members or public employee association members or members of the Washington state patrol elect, be extended to insure the spouse and dependent children, or any class or classes thereof, of each such insured employee or member who so elects, in amounts in accordance with a plan which precludes individual selection by the employees or members or by the employer or labor union or trustee, and which insurance on the life of any one family member including a spouse shall not be in excess of fifty percent of the insurance on the life of the insured employee or member.

Premiums for the insurance on such family members shall be paid by the policyholder, either from the employer's funds or funds contributed by him, trustee's funds, or labor union funds, and/or from funds contributed by the insured employees or members, or from both.

(2) Such a spouse insured pursuant to this section shall have the same conversion right as to the insurance on his or her life as is vested in the employee or member under this chapter.

[1993 c 132 § 1; 1975 1st ex.s. c 266 § 11; 1965 ex.s. c 70 § 23; 1963 c 192 § 1; 1953 c 197 § 10; 1947 c 79 § .24.03; Rem. Supp. 1947 § 45.24.03.]

Notes:

Severability--1975 1st ex.s. c 266: See note following RCW 48.01.010.

RCW 48.24.035 Credit union groups.

The lives of a group of individuals may be insured under a policy issued to a credit union, which shall be deemed the policyholder, to insure eligible members of such credit union for the

benefit of persons other than the credit union or its officials, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all of the members of a credit union, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer, or all of any class or classes thereof determined by conditions pertaining to their age or membership in the credit union or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the credit union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued for which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance.

(3) The policy must cover at least twenty-five members at the date of issue.

(4) The amount of insurance under the policy shall not exceed the amount of the total shares and deposits of the member.

(5) As used herein, "credit union" means a credit union organized and operating under the federal credit union act of 1934 or chapter 31.12 RCW.

[1982 c 181 § 14; 1961 c 194 § 8.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.24.040 Debtor groups.

The lives of a group of individuals may be insured under a policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditors, subject to the provisions of the insurance code relating to credit life insurance and credit accident and health insurance and to the following requirements:

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness, except that nothing in this section shall preclude an insurer from excluding from the classes eligible for insurance classes of debtors determined by age. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five percent of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from

the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five percent of the new entrants become insured.

(4) Payment by the debtor insured under any such group life insurance contract of the premium charged the creditor by the insurer for such insurance pertaining to the debtor, shall not be deemed to constitute a charge upon a loan in violation of any usury law.

[1967 c 150 § 28; 1961 c 194 § 9; 1955 c 303 § 18; 1947 c 79 § .24.04; Rem. Supp. 1947 § 45.24.04.]

RCW 48.24.045 Certain associations as groups.

The lives of a group of individuals may be insured under a policy issued to an association which has been in active existence for at least one year, which has a constitution and bylaws, and which has been organized and is maintained in good faith for purposes other than that of obtaining insurance. Under this group life insurance policy, the association shall be deemed the policyholder. The policy may insure association employees, members, or their employees. Beneficiaries under the policy shall be persons other than the association or its officers or trustees. The term "employees" as used in this section may include retired employees.

[1979 ex.s. c 44 § 1.]

RCW 48.24.050 Labor union groups.

The lives of a group of individuals may be insured under a policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued of which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which the premium is to be derived in part from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom

evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least twenty-five members at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union.

[1955 c 303 § 19; 1947 c 79 § .24.05; Rem. Supp. 1947 § 45.24.05.]

RCW 48.24.060 Public employee associations.

The lives of a group of public employees may be insured under a policy issued to the departmental head or to a trustee, or issued to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employees eligible for membership in such classes, which department head or trustee or association shall be deemed the policyholder, to insure such employees for the benefit of persons other than the policyholder or any of its officials, subject to the following requirements:

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, in whole or in part either from salary deductions authorized by, or charges collected from, the insured employees or members specifically for the insurance, or from the association's own funds, or from both. Any such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent of the then eligible employees or association members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

(3) The rate of charges to the insured employees or members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

(4) The policy must cover at least twenty-five persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or members or by the association.

As used herein, "public employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them.

[1989 c 10 § 9. Prior: 1973 1st ex.s. c 163 § 8; 1973 1st ex.s. c 152 § 5; 1963 c 195 § 21; 1955 c 303 § 20; 1953 c 197 § 11; 1947 c 79 § .24.06; Rem. Supp. 1947 § 45.24.06.]

Notes:

Severability--1973 1st ex.s. c 152: See note following RCW 48.05.140.

RCW 48.24.070 Trustee groups.

The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers or by two or more employer members of an employers' association, or by one or more labor unions, or by one or more employers and one or more labor unions, or by one or more employers and one or more labor unions whose members are in the same or related occupations or trades, which trustees shall be deemed the policyholder, to insure employees or members for the benefit of persons other than the employers or the unions, subject to the following requirements:

(1) If the policy is issued to two or more employer members of an employers' association, such policy may be issued only if (a) the association has been in existence for at least five years and was formed for purposes other than obtaining insurance and (b) the participating employers, meaning such employer members whose employees are to be insured, constitute at date of issue at least fifty percent of the total employers eligible to participate, unless the number of persons covered at date of issue exceeds six hundred, in which event such participating employers must constitute at least twenty-five percent of such total employers in either case omitting from consideration any employer whose employees are already covered for group life insurance.

(2) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are connected with such trusteeship. The policy may provide that the term "employees" shall include retired employees.

(3) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or, partly from such funds and partly from funds contributed by the insured persons. A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible persons, excluding any as to whom evidence of insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(4) The policy must cover at least fifty persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions.

[1973 1st ex.s. c 163 § 9; 1963 c 86 § 1; 1959 c 225 § 9; 1955 c 303 § 21; 1953 c 197 § 12; 1947 c 79 § .24.07; Rem. Supp. 1947 § 45.24.07.]

RCW 48.24.080 Agent groups.

The lives of a group of individuals may be insured under a policy issued to a principal, or if such principal is a life insurer, by or to such principal, covering when issued not less than twenty-five agents of such principal, subject to the following requirements:

(1) The agents eligible for insurance under the policy shall be those who are under contract to render personal services for such principal for a commission or other fixed or ascertainable compensation.

(2) The policy must insure either all of the agents or all of any class or classes thereof, determined by conditions pertaining to the services to be rendered by such agents, except that if a policy is intended to insure several such classes it may be issued to insure any such class of which seventy-five percent are covered and extended to other classes as seventy-five percent thereof express the desire to be covered.

(3) The premium on the policy shall be paid by the principal or by the principal and the agents jointly. When the premium is paid by the principal and agents jointly and the benefits of the policy are offered to all eligible agents, the policy, when issued, must insure not less than seventy-five percent of such agents.

(4) The amounts of insurance shall be based upon some plan which will preclude individual selection.

(5) The insurance shall be for the benefit of persons other than the principal.

(6) Such policy shall terminate if, subsequent to issue, the number of agents insured falls below twenty-five lives or seventy-five percent of the number eligible and the contribution of the agents, if the premiums are on a renewable term insurance basis, exceed one dollar per month per one thousand dollars of insurance coverage plus any additional premium per one thousand dollars of insurance coverage charged to cover one or more hazardous occupations.

(7) For the purposes of this section "agents" shall be deemed to include agents, subagents, solicitors, and salesmen.

[1949 c 190 § 33; Rem. Supp. 1949 § 45.24.08.]

RCW 48.24.090 Washington state patrol.

The lives of a group of individuals may be insured under a policy issued to the commanding officer, which commanding officer shall be deemed the policyholder, to insure not less than twenty-five of the members of the Washington state patrol. Such policy shall be for the benefit of beneficiaries as designated by the individuals so insured, and the premium thereon may be paid by such members. Not less than seventy-five percent of all eligible members of such Washington state patrol, or of any unit thereof determined by conditions pertaining to their employment, may be so insured.

[1947 c 79 § .24.09; Rem. Supp. 1947 § 45.24.09.]

RCW 48.24.095 Financial institutions.

The lives of a group of individuals may be insured under a policy issued to a state or federally regulated financial institution, which financial institution shall be deemed the policyholder. The purpose of the policy shall be to insure the depositors or depositor members of the financial institution for the benefit of persons other than the financial institution or its officers. The issuance of the policy shall be subject to the following requirements:

(1) The persons eligible for insurance under the policy shall be the depositors or deposit members of such financial institution, except any as to whom evidence of individual insurability is not satisfactory to the insurer, or any class or classes thereof determined by conditions of age.

(2) The policy must cover at least one hundred persons at the date of issue.

(3) The amount of insurance under the policy shall not exceed the amount of the deposit account of the insured person or five thousand dollars whichever is less.

(4) Financial institutions referred to herein must be authorized to do business in the state of Washington and have their depositors' or members' deposit accounts insured against loss to the amount of at least fifteen thousand dollars by a corporate agency of the federal government.

[1967 ex.s. c 95 § 15.]

RCW 48.24.100 Standard provisions.

No policy of group life insurance shall be delivered or issued for delivery in this state unless it contains in substance the standard provisions as required by RCW 48.24.110 to 48.24.200, inclusive, or provisions which in the opinion of the commissioner are more favorable to the individuals insured, or at least as favorable to such individuals and more favorable to the policyholder; except that:

(1) Provisions set forth in RCW 48.24.160 to 48.24.200, inclusive, shall not apply to policies issued to a creditor to insure its debtors.

(2) If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the commissioner is or are equitable to the insured persons and to the policyholder, but such nonforfeiture benefits are not required to be the same as those required for individual life insurance policies.

[1947 c 79 § .24.10; Rem. Supp. 1947 § 45.24.10.]

RCW 48.24.110 Grace period.

There shall be a provision that the policyholder is entitled to a grace period of thirty-one days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policyholder has given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro rata premium for the time the policy was in force during such grace period.

[1947 c 79 § .24.11; Rem. Supp. 1947 § 45.24.11.]

RCW 48.24.120 Incontestability.

There shall be a provision that the validity of the policy shall not be contested, except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that no statement made by an individual insured under the policy relating to his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such individual's lifetime nor unless it is contained in a written instrument signed by him.

[1947 c 79 § 24.12; Rem. Supp. 1947 § 45.24.12.]

RCW 48.24.130 The contract--Representations.

There shall be a provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued and become a part of the contract; that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or to his beneficiary.

[1947 c 79 § .24.13; Rem. Supp. 1947 § 45.24.13.]

RCW 48.24.140 Insurability.

There shall be a provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

[1947 c 79 § .24.14; Rem. Supp. 1947 § 45.24.14.]

RCW 48.24.150 Misstatement of age or sex.

There shall be a provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age or sex of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

[1983 1st ex.s. c 32 § 22; 1947 c 79 § .24.15; Rem. Supp. 1947 § 45.24.15.]

RCW 48.24.160 Beneficiary--Funeral, last illness expenses.

There shall be a provision that any sum becoming due by reason of the death of the individual insured shall be payable to the beneficiary designated by such individual, subject to the provisions of the policy in the event there is no designated beneficiary, as to all or any part of such sum, living at the death of the individual insured and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding ten percent of such amount or one thousand dollars, whichever is greater, to any

person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the individual insured.

[1981 c 333 § 1; 1979 ex.s. c 199 § 9; 1955 c 303 § 23; 1947 c 79 § .24.16; Rem. Supp. 1947 § 45.24.16.]

RCW 48.24.170 Certificates.

There shall be a provision that the insurer will issue to the policyholder for delivery to each individual insured a certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, described by name, relationship, or reference to the insurance records of the policyholder or insurer, and the rights and conditions set forth in RCW 48.24.180, 48.24.190 and 48.24.200, following.

[1961 c 194 § 10; 1947 c 79 § .24.17; Rem. Supp. 1947 § 45.24.17.]

RCW 48.24.180 Conversion on termination of eligibility.

There shall be a provision that if the insurance, or any portion of it, on an individual covered under the policy, other than a child insured pursuant to RCW 48.24.030, ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such individual shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one days after such termination, and provided further that,

(1) the individual policy shall, at the option of such individual, be on any one of the forms, except term insurance, then customarily issued by the insurer at the age and for the amount applied for;

(2) the individual policy shall be in an amount not in any event in excess of the amount of life insurance which ceases because of such termination nor less than one thousand dollars unless a smaller amount of coverage was provided for such individual under the group policy: PROVIDED, That any amount of insurance which matures on the date of such termination or has matured prior thereto under the group policy as an endowment payable to the individual insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

(3) the premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such individual then belongs, and to his age attained on the effective date of the individual policy.

[1955 c 303 § 24; 1947 c 79 § .24.18; Rem. Supp. 1947 § 45.24.18.]

RCW 48.24.190 Conversion on termination of policy.

There shall be a provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured individuals, every individual insured thereunder at the date of such termination, other than a child insured pursuant to RCW 48.24.030, whose insurance terminates and who has been so insured for at least five years prior to such termination date shall be entitled to have issued to him by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by RCW 48.24.180, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of (a) the amount of the individual's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer within thirty-one days of such termination and (b) two thousand dollars.

[1953 c 197 § 13; 1947 c 79 § .24.19; Rem. Supp. 1947 § 45.24.19.]

RCW 48.24.200 Death pending conversion.

There shall be a provision that if a person insured under the group policy dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with RCW 48.24.180 and 48.24.190, and before such an individual policy shall have become effective, the amount of life insurance which he would have been entitled to have issued to him under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

[1947 c 79 § .24.20; Rem. Supp. 1947 § 45.24.20.]

RCW 48.24.210 Limitation of liability.

(1) The insurer may in any group life insurance contract provide that it is not liable, or is liable only in a reduced amount, for losses resulting:

(a) From war or any act of war, declared or undeclared, or of service in the military, naval or air forces or in civilian forces auxiliary thereto, or from any cause while a member of any such military, naval or air forces, of any country at war, declared or undeclared.

(b) From aviation under conditions specified in the policy.

(2) The insurer may in any such contract provide that any amount of insurance in excess of one thousand dollars on an individual life may be reduced to one thousand dollars or to any greater amount upon attainment of any age not less than age sixty-five or upon the anniversary of the policy nearest attainment of such age.

[1947 c 79 § .24.21; Rem. Supp. 1947 § 45.24.21.]

RCW 48.24.240 Readjustment of premium.

Any group life insurance contract may provide for a readjustment of the premium rate

based on experience under that contract, at the end of the first or of any subsequent year of insurance, and which readjustment may be made retroactive for such policy year only.

[1947 c 79 § .24.24; Rem. Supp. 1947 § 45.24.24.]

RCW 48.24.260 Application of dividends or rate reductions.

Any policy dividends hereafter declared, or reduction in rate of premiums hereafter made or continued for the first or any subsequent year of insurance, under any policy of group life insurance heretofore or hereafter issued to any policyholder may be applied to reduce the policyholder's part of the cost of such insurance, except that if the aggregate dividends or refunds or credits under such group policy and any other group policy or contract issued to the policyholder exceed the aggregate contributions of the policyholder toward the cost of the coverages, such excess shall be applied by the policyholder for the sole benefit of insured individuals.

[1947 c 79 § .24.26; Rem. Supp. 1947 § 45.24.26.]

**Chapter 48.25 RCW
INDUSTRIAL LIFE INSURANCE**

| | |
|-----------|--|
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Notes:

Exemption of proceeds, life insurance: RCW 48.18.410.

Insurable interest, personal insurance, nonprofit organizations: RCW 48.18.030.

Minor may contract for life or disability insurance: RCW 48.18.020.

Payment to person designated in policy or by assignment discharges insurer: RCW 48.18.370.

Policy forms, execution, filing, etc.: Chapter 48.18 RCW.

RCW 48.25.010 Scope of chapter.

The provisions of this chapter apply only to industrial life insurance contracts.

[1947 c 79 § .25.01; Rem. Supp. 1947 § 45.25.01.]

RCW 48.25.020 Industrial life insurance defined.

"Industrial" life insurance is any life insurance provided by an individual insurance contract issued in face amount of less than one thousand dollars, under which premiums are payable monthly or oftener, and bearing the words "industrial policy" printed upon the policy as a part of the descriptive matter.

[1947 c 79 § .25.02; Rem. Supp. 1947 § 45.25.02.]

RCW 48.25.030 Compliance enjoined.

No policy of industrial life insurance shall be delivered or be issued for delivery in this state after January 1, 1948, except in compliance with the provisions of this chapter and with other applicable provisions of this code.

[1947 c 79 § .25.03; Rem. Supp. 1947 § 45.25.03.]

RCW 48.25.040 Standard provisions.

No such policy shall be so issued or delivered unless it contains in substance the provisions as required by this chapter, or provisions which in the opinion of the commissioner are more favorable to the policyholder.

[1947 c 79 § .25.04; Rem. Supp. 1947 § 45.25.04.]

RCW 48.25.050 Grace period.

There shall be a provision that the insured is entitled to a grace period of four weeks within which the payment of any premium after the first may be made, except that in policies the premiums for which are payable monthly, the period of grace shall be one month but not less than thirty days; and that during the period of grace the policy shall continue in full force, but if during the grace period the policy becomes a claim, then any overdue and unpaid premiums may be deducted from any settlement under the policy.

[1947 c 79 § .25.05; Rem. Supp. 1947 § 45.25.05.]

RCW 48.25.060 Entire contract.

There shall be a provision that the policy shall constitute the entire contract between the parties, or, if a copy of the application is endorsed upon or attached to the policy when issued, a provision that the policy and the application therefor shall constitute the entire contract. If the application is so made a part of the contract, the policy shall also provide that all statements made by the applicant in such application shall, in the absence of fraud, be deemed to be representations and not warranties.

[1947 c 79 § .25.06; Rem. Supp. 1947 § 45.25.06.]

RCW 48.25.070 Incontestability.

There shall be a provision that the policy shall be incontestable after it has been in force during the lifetime of the insured for a period of two years from its date of issue except for nonpayment of premiums, and except, at the option of the insurer, as to supplemental provisions providing benefits for total and permanent disability or specifically for accidental death.

[1947 c 79 § .25.07; Rem. Supp. 1947 § 45.25.07.]

RCW 48.25.080 Misstatement of age.

There shall be a provision that if it is found that the age of the individual insured, or the age of any other individual considered in determining the premium, has been misstated, any amount payable or benefit accruing under the policy shall be such as the premium would have purchased at the correct age or ages.

[1947 c 79 § .25.08; Rem. Supp. 1947 § 45.25.08.]

RCW 48.25.090 Dividends.

If a participating policy, there shall be a provision that the insurer shall annually ascertain and apportion any divisible surplus accruing on the policy, and that dividends arising from such apportionment shall be credited annually beginning not later than the fifth contract year. This provision shall not prohibit the payment of additional dividends on default of payment of premiums or termination of the policy.

[1947 c 79 § .25.09; Rem. Supp. 1947 § 45.25.09.]

RCW 48.25.100 Nonforfeiture benefits.

There shall be a provision for nonforfeiture benefits as required by chapter 48.76 RCW.

[1983 c 3 § 152; 1947 c 79 § .25.10; Rem. Supp. 1947 § 45.25.10.]

RCW 48.25.110 Cash surrender value.

There shall be a provision for a cash surrender value as required by chapter 48.76 RCW.

[1983 c 3 § 153; 1947 c 79 § .25.11; Rem. Supp. 1947 § 45.25.11.]

RCW 48.25.120 Reinstatement.

There shall be a provision that the policy may be reinstated at any time within two years from the due date of the premium in default unless the cash surrender value has been paid, or the extension period expired, upon the production of evidence of insurability satisfactory to the insurer and the payment of all overdue premiums and payment or reinstatement of any unpaid loans or advances made by the insurer against the policy with interest at a rate not exceeding six percent per annum and payable annually.

[1947 c 79 § .25.12; Rem. Supp. 1947 § 45.25.12.]

RCW 48.25.130 Settlement.

There shall be a provision that when the policy becomes a claim by the death of the insured, settlement shall be made upon receipt of due proof of death or after a specified period not exceeding two months after receipt of such proof.

[1947 c 79 § .25.13; Rem. Supp. 1947 § 45.25.13.]

RCW 48.25.140 Authority to alter policy.

There shall be a provision that no agent shall have the power or authority to waive, change or alter any of the terms or conditions of any policy; except that, at the option of the insurer, the terms or conditions may be changed by an endorsement signed by a duly authorized officer of the insurer.

[1947 c 79 § .25.14; Rem. Supp. 1947 § 45.25.14.]

RCW 48.25.150 Beneficiary.

(1) Each such policy shall have a space on the front or back page of the policy for the name of the beneficiary designated with a reservation of the right to designate or change the beneficiary after the issuance of the policy.

(2) The policy may also provide that no designation or change of beneficiary shall be binding on the insurer until endorsed on the policy by the insurer, and that the insurer may refuse to endorse the name of any proposed beneficiary who does not appear to the insurer to have an insurable interest in the life of the insured.

[1947 c 79 § .25.15; Rem. Supp. 1947 § 45.25.15.]

RCW 48.25.160 Facility of payment clause.

Such a policy may also provide that if the beneficiary designated in the policy does not surrender the policy with due proof of death within the period stated in the policy, which shall not be less than thirty days after the death of the insured, or if the beneficiary is the estate of the insured or is a minor, or dies before the insured or is not legally competent to give a valid release, then the insurer may make payment thereunder to the executor or administrator of the insured, or to any of the insured's relatives by blood or legal adoption or connection by marriage, or to any person appearing to the insurer to be equitably entitled thereto by reason of having been named beneficiary, or by reason of having incurred expense for the maintenance, medical attention or burial of the insured. Such policy may also include a similar provision applicable to any other payment due under the policy.

[1947 c 79 § .25.16; Rem. Supp. 1947 § 45.25.16.]

RCW 48.25.170 Payment of premiums direct.

In the case of weekly premium policies, there may be a provision that upon proper notice to the insurer while premiums on the policy are not in default beyond the grace period, of the intention to pay future premiums directly to the insurer at its home office or any office designated by the insurer for the purpose, the insurer will, at the end of each period of a year from the due date of the first premium so paid, for which period such premiums are so paid continuously without default beyond the grace period, refund a stated percentage of the premiums in an amount which fairly represents the savings in collection expense.

[1947 c 79 § .25.17; Rem. Supp. 1947 § 45.25.17.]

RCW 48.25.180 Conversion--Weekly premium policies.

There shall be a provision in the case of weekly premium policies granting, upon proper written request and upon presentation of evidence of the insurability of the insured satisfactory to the insurer, the privilege of converting his weekly premium industrial insurance to any form of life insurance with less frequent premium payments regularly issued by the insurer, in accordance with terms and conditions agreed upon with the insurer. The privilege of making such conversion need be granted only if the insurer's weekly premium industrial policies on the life insured, in force as premium paying insurance and on which conversion is requested, grant benefits in event of death, exclusive of additional accidental death benefits and exclusive of any dividend additions, in an amount not less than the minimum amount of such insurance with less frequent premium payments issued by the insurer at the age of the insured on the plan of industrial or ordinary insurance desired.

[1947 c 79 § .25.18; Rem. Supp. 1947 § 45.25.18.]

RCW 48.25.190 Conversion--Monthly premium policies.

There shall be a provision, in the case of monthly premium industrial policies, granting, upon proper written request and upon presentation of evidence of the insurability of the insured satisfactory to the insurer, the privilege of converting his monthly premium industrial insurance to any form of ordinary life insurance regularly issued by the insurer, in accordance with terms and conditions agreed upon with the insurer. The privilege of making such conversions need be granted only if the insurer's monthly premium industrial policies on the life insured, in force as premium paying insurance and on which conversion is requested, grant benefits in event of death, exclusive of additional accidental death benefits and exclusive of any dividend additions, in an amount not less than the minimum amount of ordinary insurance issued by the insurer at the age of the insured on the plan of ordinary insurance desired.

[1947 c 79 § .25.19; Rem. Supp. 1947 § 45.25.19.]

RCW 48.25.200 Title on policy.

There shall be a title on the face of each such policy briefly describing its form.

[1947 c 79 § .25.20; Rem. Supp. 1947 § 45.25.20.]

RCW 48.25.210 Application to term and specified insurance.

Any of the provisions required by this chapter or any portion thereof which are not applicable to single premium or term policies or to policies issued or granted pursuant to nonforfeiture provisions, shall to that extent not be incorporated therein.

[1947 c 79 § .25.21; Rem. Supp. 1947 § 45.25.21.]

RCW 48.25.220 Prohibited provisions.

No such policy shall contain:

(1) A provision by which the insurer may deny liability under the policy for the reason that the insured has previously obtained other insurance from the same insurer.

(2) A provision giving the insurer the right to declare the policy void because the insured has had any disease or ailment, whether specified or not, or because the insured has received institutional, hospital, medical or surgical treatment or attention, except a provision which gives the insurer the right to declare the policy void if the insured has, within two years prior to the issuance of the policy, received institutional, hospital, medical or surgical treatment or attention and if the insured or claimant under the policy fails to show that the condition occasioning such treatment or attention was not of a serious nature or was not material to the risk.

(3) A provision giving the insurer the right to declare the policy void because the insured had been rejected for insurance, unless such right be conditioned upon a showing by the insurer, that knowledge of such rejection would have led to a refusal by the insurer to make such contract.

[1947 c 79 § .25.22; Rem. Supp. 1947 § 45.25.22.]

RCW 48.25.230 Limitation of liability.

The insurer may in any such policy limit its liability for the same causes and to the same extent as is provided in RCW 48.23.260 for other life insurance contracts.

[1947 c 79 § .25.23; Rem. Supp. 1947 § 45.25.23.]

Chapter 48.25A RCW
LIFE INSURANCE--PROFIT-SHARING, CHARTER, FOUNDERS, AND COUPON
POLICIES

Sections

| | |
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| 48.25A.010 | Definitions. |
| 48.25A.020 | Certain policies not to be issued or delivered after September 1, 1967. |
| 48.25A.030 | Coupon policies--Approval by commissioner. |
| 48.25A.040 | Coupon policies--Requirements. |
| 48.25A.050 | Revocation of certificates of authority and licenses for violation of chapter. |

RCW 48.25A.010 Definitions.

As used in this chapter:

(1) "Profit-sharing policy" means:

(a) A life insurance policy which by its terms expressly provides that the policyholder will participate in the distribution of earnings or surplus other than earnings or surplus attributable, by reasonable and nondiscriminatory standards, to the participating policies of the company and allocated to the policyholder on reasonable and nondiscriminatory standards; or

(b) A life insurance policy the provisions of which, through sales material or oral presentations, are interpreted by the company to prospective policyholders as entitling the policyholder to the benefits described in subsection (a) of this section.

(2) "Charter policy" or "founders policy" means:

(a) A life insurance policy which by its terms expressly provides that the policyholder will receive some preferential or discriminatory advantage or benefit not available to persons who purchase insurance from the company at future dates or under other circumstances; or

(b) A life insurance policy the provisions of which, through sales material or oral presentations, are interpreted by the company to prospective policyholders as entitling the policyholder to the benefits described in subsection (a) of this section.

(3) "Coupon policy" means a life insurance policy which provides a series of pure endowments maturing periodically in amounts not exceeding the gross annual policy premiums. The term "pure endowment" or "endowment" is used in its accepted actuarial sense, meaning a

benefit becoming payable at a specific future date if the insured person is then living.

[1967 ex.s. c 95 § 5.]

RCW 48.25A.020 Certain policies not to be issued or delivered after September 1, 1967.

No profit-sharing, charter, or founders policy shall be issued or delivered in this state after September 1, 1967.

[1967 ex.s. c 95 § 6.]

RCW 48.25A.030 Coupon policies--Approval by commissioner.

No coupon policy shall be issued or delivered in this state until the form of the same has been filed with and approved by the commissioner.

[1967 ex.s. c 95 § 7.]

RCW 48.25A.040 Coupon policies--Requirements.

Coupon policies issued or delivered in this state shall be subject to the following provisions:

(1) No detachable coupons or certificates or passbooks may be used. No other device may be used which tends to emphasize the periodic endowment benefits or which tends to create the impression that the endowments represent interest earnings or anything other than benefits which have been purchased by part of the policyholder's premium payments.

(2) Each endowment benefit must have a fixed maturity date and payment of the endowment benefit shall not be contingent upon the payment of any premium becoming due on or after such maturity date.

(3) The endowment benefits must be expressed in dollar amounts rather than as percentages of other quantities or in other ways, both in the policy itself and in the sale thereof.

(4) A separate premium for the periodic endowment benefits must be shown in the policy adjacent to the rest of the policy premium information and must be given the same emphasis in the policy and in the sale thereof as that given the rest of the policy premium information. This premium shall be calculated with mortality, interest and expense factors which are consistent with those for the basic policy premium.

[1967 ex.s. c 95 § 8.]

RCW 48.25A.050 Revocation of certificates of authority and licenses for violation of chapter.

The commissioner may revoke all certificates of authority and licenses granted to any insurance company, its officers or agents violating any provision of this chapter.

[1967 ex.s. c 95 § 9.]

Chapter 48.26 RCW
MARINE AND TRANSPORTATION INSURANCE
(RESERVED)

Chapter 48.27 RCW
PROPERTY INSURANCE

Sections

48.27.010 Over-insurance prohibited.
48.27.020 Replacement insurance.

Notes:

Binders: RCW 48.18.230.

Insurable interest, property insurance, nonprofit organizations: RCW 48.18.040.

Policy forms, execution, filing, etc.: Chapter 48.18 RCW.

Rates: Chapter 48.19 RCW.

Standard form of fire policy: RCW 48.18.120.

RCW 48.27.010 Over-insurance prohibited.

(1) Over-insurance shall be deemed to exist if property or an insurable interest therein is insured by one or more insurance contracts against the same hazard in any amount in excess of the fair value of the property or of such interest, as determined as of the effective date of the insurance or of any renewal thereof, or in those instances when insured value is for improvements and land.

(2) For the purposes of this section only the term "fair value" means the cost of replacement less such depreciation as is properly applicable to the subject insured.

(3) No person shall knowingly require, request, issue, place, procure, or accept any insurance contract which would result in over-insurance of the property or interest therein proposed to be insured, except as is provided in RCW 48.27.020.

(4) No person shall compel an insured or applicant for insurance to procure property insurance in an amount in excess of the amount which could reasonably be expected to be paid under the policy (or combination of policies) in the event of a loss, whether such insurance is required in connection with a loan or otherwise.

(5) Each violation of this section shall subject the violator to the penalties provided by this code.

[1984 c 6 § 1; 1947 c 79 § .27.01; Rem. Supp. 1947 § 45.27.01.]

RCW 48.27.020 Replacement insurance.

By any contract of insurance of property or of any insurable interest therein, the insurer may in connection with a special provision or endorsement made a part of the policy insure the cost of repair or replacement of such property, if damaged or destroyed by a hazard insured against, and without deduction of depreciation, subject to such reasonable rules and regulations as may be made by the commissioner.

[1951 c 194 § 1; 1947 c 79 § .27.02; formerly Rem. Supp. 1947 § 45.27.02.]

**Chapter 48.28 RCW
SURETY INSURANCE**

Sections

| | |
|-----------|---|
| 48.28.010 | Requirements deemed met by surety insurer. |
| 48.28.020 | Fiduciary bonds--Premium as lawful expense. |
| 48.28.030 | Judicial bonds--Premium as part of recoverable costs. |
| 48.28.040 | Official bonds--Payment of premiums. |
| 48.28.050 | Release from liability. |

Notes:

Binders: RCW 48.18.230.

Official bonds in general: Chapter 42.08 RCW.

Policy forms, execution, filing, etc.: Chapter 48.18 RCW.

RCW 48.28.010 Requirements deemed met by surety insurer.

Whenever by law or by rule of any court, public official, or public body, any surety bond, recognizance, obligation, stipulation or undertaking is required or is permitted to be given, any such bond, recognizance, obligation, stipulation, or undertaking which is otherwise proper and the conditions of which are guaranteed by an authorized surety insurer, or by an unauthorized surety insurer as a surplus line pursuant to chapter 48.15 RCW of this code, shall be approved and accepted and shall be deemed to fulfill all requirements as to number of sureties, residence or status of sureties, and other similar requirements, and no justification by such surety shall be necessary.

[1947 c 79 § .28.01; Rem. Supp. 1947 § 45.28.01.]

RCW 48.28.020 Fiduciary bonds--Premium as lawful expense.

Any fiduciary required by law to give bonds, may include as part of his lawful expense to be allowed by the court or official by whom he was appointed, the reasonable amount paid as premium for such bonds to the authorized surety insurer or to the surplus line surety insurer

which issued or guaranteed such bonds.

[1955 c 30 § 1. Prior: 1947 c 79 § .28.02; Rem. Supp. 1947 § 45.28.02.]

RCW 48.28.030 Judicial bonds--Premium as part of recoverable costs.

In any proceeding the party entitled to recover costs may include therein such reasonable sum as was paid to such surety insurer as premium for any bond or undertaking required therein, and as may be allowed by the court having jurisdiction of such proceeding.

[1955 c 30 § 2. Prior: 1947 c 79 § .28.03; Rem. Supp. 1947 § 45.28.03.]

Notes:

Rules of court: Cf. RAP 14.3, 18.22.

RCW 48.28.040 Official bonds--Payment of premiums.

The premium for bonds given by such surety insurers for appointive or elective public officers and for such of their deputies or employees as are required to give bond shall be paid by the state, political subdivision, or public body so served.

[1955 c 30 § 3. Prior: 1947 c 79 § .28.04; Rem. Supp. 1947 § 45.28.04.]

RCW 48.28.050 Release from liability.

A surety insurer may be released from its liability on the same terms and conditions as are provided by law for the release of individuals as sureties.

[1947 c 79 § .28.05; Rem. Supp. 1947 § 45.28.05.]

**Chapter 48.29 RCW
TITLE INSURERS**

Sections

| | |
|-----------|--|
| 48.29.010 | Scope of chapter--Definitions. |
| 48.29.020 | Qualifications--Guaranty fund deposit. |
| 48.29.030 | Amount of deposit. |
| 48.29.040 | May do business in two or more counties--Restrictions. |
| 48.29.060 | Impairment of deposit. |
| 48.29.070 | Levy of execution against deposit. |
| 48.29.090 | Purpose of deposit. |
| 48.29.100 | Termination of deposit. |
| 48.29.110 | Release of securities. |
| 48.29.120 | Special reserve fund. |
| 48.29.130 | Investments. |
| 48.29.140 | Premium rates. |
| 48.29.150 | Taxation of title insurers. |

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| 48.29.160 | Agents--County tract indexes required. |
| 48.29.170 | Agents--Separate licenses for individuals not required. |
| 48.29.180 | Disclosure of energy conservation payment obligations--Informational note--Liability. |
| 48.29.190 | Conducting business as escrow agent--Requirements--Violation, penalties. |
| 48.29.200 | Prohibited practices. |

RCW 48.29.010 Scope of chapter--Definitions.

(1) This chapter relates only to title insurers.

(2) None of the provisions of this code shall be deemed to apply to persons engaged in the business of preparing and issuing abstracts of title to property and certifying to the correctness thereof so long as such persons do not guarantee or insure such titles.

(3) For purposes of this chapter, unless the context clearly requires otherwise:

(a) "Title policy" means any written instrument, contract, or guarantee by means of which title insurance liability is assumed.

(b) "Abstract of title" means a written representation, provided pursuant to contract, whether written or oral, intended to be relied upon by the person who has contracted for the receipt of such representation, listing all recorded conveyances, instruments, or documents which, under the laws of the state of Washington, impart constructive notice with respect to the chain of title to the real property described. An abstract of title is not a title policy as defined in this subsection.

(c) "Preliminary report," "commitment," or "binder" means reports furnished in connection with an application for title insurance and are offers to issue a title policy subject to the stated exceptions set forth in the reports, the conditions and stipulations of the report and the issued policy, and such other matters as may be incorporated by reference. The reports are not abstracts of title, nor are any of the rights, duties, or responsibilities applicable to the preparation and issuance of an abstract of title applicable to the issuance of any report. Any such report shall not be construed as, nor constitute, a representation as to the condition of the title to real property, but shall constitute a statement of terms and conditions upon which the issuer is willing to issue its title policy, if such offer is accepted.

[1997 c 14 § 1; 1947 c 79 § .29.01; Rem. Supp. 1947 § 45.29.01.]

RCW 48.29.020 Qualifications--Guaranty fund deposit.

A title insurer shall not be entitled to have a certificate of authority unless it otherwise qualifies therefor, nor unless:

(1) It is a stock corporation.

(2) It owns or leases and maintains a complete set of tract indexes of the county in which its principal office within this state is located.

(3) It deposits and keeps on deposit with the commissioner a guaranty fund in amount as set forth in RCW 48.29.030 and comprised of cash or public obligations as specified in RCW 48.13.040.

[1990 c 76 § 1; 1955 c 86 § 12; 1947 c 79 § .29.02; Rem. Supp. 1947 § 45.29.02.]

Notes:

Effective date--Supervision of transfers--1955 c 86: See notes following RCW 48.05.080.

RCW 48.29.030 Amount of deposit.

(1) The amount of the required guaranty fund deposit shall be determined by the population, as at last official United States or official state census, of the county within which the insurer is to be authorized to transact its business, as follows:

| County population | | Amount of guaranty fund deposit required |
|-------------------|----------------------|---|
| More than | but not more than | |
| 0 | 15,000 | \$ 10,000.00 |
| 15,000 | 35,000 | \$ 15,000.00 |
| 35,000 | 60,000 | \$ 25,000.00 |
| 60,000 | 100,000 | \$ 50,000.00 |
| 100,000 | 150,000 | \$ 75,000.00 |
| 150,000 | 300,000 | \$100,000.00 |
| 300,000 | 500,000 | \$150,000.00 |
| 500,000 | | \$200,000.00 |

(2) For authority to transact business in two or more counties, the insurer must have a guaranty fund deposit in amount not less than the amount required under subsection (1) as to that one of the counties in which business is to be so transacted for which the largest amount is so required.

[1957 c 193 § 16; 1947 c 79 § .29.03; Rem. Supp. 1947 § 45.29.03.]

RCW 48.29.040 May do business in two or more counties--Restrictions.

(1) Subject to the deposit requirements of RCW 48.29.030, a title insurer having its principal offices in one county may be authorized to transact business in only such additional counties as to which it owns or leases and maintains, or has a duly authorized agent that owns or leases and maintains, a complete set of tract indexes.

(2) A title insurer not authorized to transact business in a certain county may purchase a title policy on property located therein from another title insurer which is so authorized in that county. The first title insurer may thereafter issue its own policy of title insurance to the owner of such property. The first title insurer may combine the insurance on the title of such property in a single policy which also insures the title of one or more other pieces of property. The first title insurer must pay the full premium based on filed rates for the policy, and must charge the precise

same amount to its own customer for the insurance as to the title of such property. A title insurer using the authority granted by this subsection in a transaction must so notify its customer.

[1990 c 76 § 2; 1957 c 193 § 17; 1947 c 79 § .29.04; Rem. Supp. 1947 § 45.29.04.]

RCW 48.29.060 Impairment of deposit.

If an insurer's guaranty fund deposit becomes impaired for any cause, the commissioner shall forthwith give notice thereof to the insurer, requiring that the impairment be cured within thirty days after the date of the notice. If the impairment is not so cured, the commissioner shall forthwith revoke the insurer's certificate of authority.

[1947 c 79 § .29.06; Rem. Supp. 1947 § 45.29.06.]

RCW 48.29.070 Levy of execution against deposit.

If an insurer fails to satisfy any judgment against it arising out of its liability under any title insurance policy or certificate of title issued, insured, or assumed by it, within thirty days after the finality of the judgment became fixed, the judgment may be enforced against the insurer's guaranty fund deposit through the following procedure:

(1) The judgment creditor shall petition the court wherein the judgment is entered and as part of the same cause, truthfully setting forth the facts regarding the insurer's failure to satisfy the judgment as required by this section.

(2) Upon such petition the court shall direct issuance of a special execution directed to the sheriff of Thurston county, requiring that the sheriff sell so much of the securities on deposit as may be required to satisfy the judgment and pay the costs of the levy.

(3) The court's order for issuance of the special execution shall also direct that a copy of the judgment and of the petition be served upon the commissioner within five days after the date of the order.

(4) Upon issuance of such special execution and upon such service upon the commissioner, the commissioner shall deliver to such sheriff sufficient of such securities as may be required for sale to satisfy the judgment and to pay such costs.

[1955 c 86 § 14; 1947 c 79 § .29.07; Rem. Supp. 1947 § 45.29.07.]

Notes:

Effective date--Supervision of transfers--1955 c 86: See notes following RCW 48.05.080.

RCW 48.29.090 Purpose of deposit.

(1) The securities comprising the guaranty fund deposit shall be held by the commissioner as a special guaranty fund securing the faithful performance by the insurer of all its undertakings and liabilities as to any title guaranteed or insured by it.

(2) Such deposit shall not be subject to any other liabilities of the insurer until after all its liabilities named in subsection (1) of this section have been discharged.

[1955 c 86 § 16; 1947 c 79 § .29.09; Rem. Supp. 1947 § 45.29.09.]

Notes:

Effective date--Supervision of transfers--1955 c 86: See notes following RCW 48.05.080.

RCW 48.29.100 Termination of deposit.

(1) A guaranty fund deposit shall be terminated only upon the existence of any of the following conditions:

(a) Upon termination of all liabilities of the insurer, other than through reinsurance, under all guaranties or insurances of titles made, issued, or assumed by it.

(b) Upon reinsurance of all such liabilities of the insurer, with the commissioner's approval, in another insurer holding a certificate of authority as a title insurer in this state.

(2) For the purposes of this section only, all liability of the insurer with regard to a title guaranteed or insured by it shall be deemed terminated upon the expiration of twenty-one years from the date of the guaranty or insurance, unless prior thereto a claim of loss has been made with reference thereto and settlement of such loss then remains pending.

[1947 c 79 § .29.10; Rem. Supp. 1947 § 45.29.10.]

RCW 48.29.110 Release of securities.

(1) Upon any termination of the guaranty fund deposit, the commissioner shall release the securities comprising it to the insurer after the following conditions have been complied with:

(a) The insurer shall make written application for such release, verified by the oaths of its president and secretary.

(b) The commissioner shall in due course following upon such application make such examination of the records of the insurer, and of the insurer's officers under oath, as he deems reasonably necessary to determine that the conditions for termination of the deposit have been met.

(2) Upon release of the securities, the commissioner shall revoke the insurer's certificate of authority.

[1955 c 86 § 17; 1947 c 79 § .29.11; Rem. Supp. 1947 § 45.29.11.]

Notes:

Effective date--Supervision of transfers--1955 c 86: See notes following RCW 48.05.080.

RCW 48.29.120 Special reserve fund.

(1) Each title insurer shall annually apportion to a special reserve fund an amount determined by applying the rate of twenty-five cents for each one thousand dollars of net increase of insurance it has in force as at the end of such year. Such apportionment shall be continued or resumed as needed to maintain the special reserve fund at an amount equal to not less than the guaranty fund deposit required of the insurer.

(2) The special reserve fund shall be held by the insurer as an additional guaranty fund, and shall be used only for the payment of losses after the insurer's liquid resources available for the payment of losses, other than such special reserve fund or the guaranty fund deposit, have

been exhausted.

(3) For the purposes of computing the special reserve fund as provided in subsection (1) of this section, net increase of insurance in force resulting from reinsurance of the risks of another title insurer shall not be included to the extent that a like special reserve fund on such insurance is maintained by the ceding insurer.

[1947 c 79 § .29.12; Rem. Supp. 1947 § 45.29.12.]

RCW 48.29.130 Investments.

The funds of a domestic title insurer, other than those representing its guaranty fund deposit, shall be invested as follows:

(1) Funds in amount not less than its required special reserve shall be kept invested in investments eligible for domestic life insurers.

(2) Other funds may be invested in:

(a) The insurer's plant and equipment, up to a maximum of fifty percent of capital plus surplus.

(b) Stocks and bonds of abstract companies when approved by the commissioner.

(c) Investments eligible for the investment of funds of any domestic insurer.

[1967 c 150 § 30; 1947 c 79 § .29.13; Rem. Supp. 1947 § 45.29.13.]

RCW 48.29.140 Premium rates.

(1) Premium rates for the insuring or guaranteeing of titles shall not be excessive, inadequate, or unfairly discriminatory.

(2) Each title insurer shall forthwith file with the commissioner a schedule showing the premium rates to be charged by it. Every addition to or modification of such schedule or of any rate therein contained shall likewise be filed with the commissioner, and no such addition or modification shall be effective until expiration of fifteen days after date of such filing.

(3) The commissioner may order the modification of any premium rate or schedule of premium rates found by him after a hearing to be excessive, or inadequate, or unfairly discriminatory. No such order shall require retroactive modification.

[1947 c 79 § .29.14; Rem. Supp. 1947 § 45.29.14.]

RCW 48.29.150 Taxation of title insurers.

Title insurers and their property shall be taxed by this state in accordance with the general laws relating to taxation, and not otherwise.

[1947 c 79 § .29.15; Rem. Supp. 1947 § 45.29.15.]

RCW 48.29.160 Agents--County tract indexes required.

To be licensed as [an] agent of a title insurer, the applicant must own or lease and maintain a complete set of tract indexes of the county or counties in which such agent will do business.

[1981 c 223 § 1.]

RCW 48.29.170 Agents--Separate licenses for individuals not required.

Title insurance agents shall be exempt from the provisions of *RCW 48.17.090(2) and 48.17.180(1) which otherwise require that each individual empowered to exercise the authority of a licensed firm or corporation must be separately licensed.

[1981 c 223 § 2.]

Notes:

*Reviser's note: RCW 48.17.090 was amended by 1981 c 339 § 10 which deleted subsection (2).

RCW 48.29.180 Disclosure of energy conservation payment obligations--Informational note--Liability.

The existence of notices of payment obligations in RCW 80.28.065 may be disclosed as an informational note to a preliminary commitment for policy of title insurance. Neither the inclusion nor the exclusion of any such informational note shall create any liability against such title insurer under any preliminary commitment for title insurance, policy or otherwise.

[1993 c 245 § 4.]

Notes:

Findings--Intent--1993 c 245: See note following RCW 80.28.065.

RCW 48.29.190 Conducting business as escrow agent--Requirements--Violation, penalties.

(1) Every title insurance company and title insurance agent conducting the business of an escrow agent as defined in RCW 18.44.011 and exempt from licensing under RCW 18.44.021(6) shall:

(a) Keep adequate records, as determined by rule by the insurance commissioner, of all transactions handled by the title insurance company or title insurance agent, including itemization of all receipts and disbursements of each transaction. These records shall be maintained in this state, unless otherwise approved by the insurance commissioner, for a period of six years from completion of the transaction. These records shall be open to inspection by the insurance commissioner or his or her authorized representatives;

(b) Keep separate escrow fund account or accounts in a recognized Washington state depository or depositories authorized to receive funds, in which shall be kept separate and apart and segregated from the title insurance company or title insurance agent's own funds, all funds or moneys of clients which are being held by the title insurance company or title insurance agent pending the closing of a transaction and such funds shall be deposited not later than the first banking day following receipt thereof; and

(c) Not make disbursements on any escrow account without first receiving deposits directly relating to the account in amounts at least equal to the disbursements. A title insurance company or title insurance agent shall not make disbursements until the next business day after the business day on which the funds are deposited unless the deposit is made in cash, by interbank electronic transfer, or in a form that permits conversion of the deposit to cash on the same day the deposit is made. The deposits shall be in one of the following forms:

(i) Cash;

(ii) Interbank electronic transfers such that the funds are unconditionally received by the title insurance company or the title insurance agent or the title insurance company or title insurance agent's depository;

(iii) Checks, negotiable orders of withdrawal, money orders, cashier's checks, and certified checks that are payable in Washington state and drawn on financial institutions located in Washington state;

(iv) Checks, negotiable orders of withdrawal, money orders, and any other item that has been finally paid as described in RCW 62A.4-213 before any disbursement; or

(v) Any depository check, including any cashier's check, certified check, or teller's check, which is governed by the provisions of the federal expedited funds availability act, 12 U.S.C. Sec. 4001 et seq.

(2) For purposes of this section, "item" means any instrument for the payment of money even though it is not negotiable, but does not include money.

(3) Violation of this section shall subject a title insurance company or title insurance agent to penalties as prescribed in Title 9A RCW and remedies as provided in chapter 19.86 RCW and shall constitute grounds for suspension or revocation of the certificate of authority of a title insurance company or the license of a title insurance agent. In addition, a violation of this section may subject a title insurance company or a title insurance agent to penalties as prescribed in this title.

[1999 c 30 § 34.]

RCW 48.29.200 Prohibited practices.

It is a violation of this chapter for any title insurance company and title insurance agent in the conduct of the business of an escrow agent as defined in RCW 18.44.011 and exempt from licensing under RCW 18.44.021(6) to:

(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;

(2) Directly or indirectly engage in any unfair or deceptive act or practice toward any person;

(3) Directly or indirectly obtain property by fraud or misrepresentation;

(4) Knowingly make, publish, or disseminate any false, deceptive, or misleading information in the conduct of the business of escrow, or relative to the business of escrow or relative to any person engaged therein;

(5) Knowingly receive or take possession for personal use of any property of any escrow

business, other than in payment authorized by this chapter, and with intent to defraud, omit to make, or cause or direct to be made, a full and true entry thereof in the books and accounts of the title insurance company or title insurance agent;

(6) Make or concur in making any false entry, or omit or concur in omitting to make any material entry, in its books or accounts;

(7) Knowingly make or publish, or concur in making or publishing any written report, exhibit, or statement of its affairs or pecuniary condition containing any material statement which is false, or omit or concur in omitting any statement required by law to be contained therein;

(8) Willfully fail to make any proper entry in the books of the escrow business as required by law;

(9) Fail to disclose in a timely manner to the other officers, directors, controlling persons, or employees the receipt of service of a notice of an application for an injunction or other legal process affecting the property or business of a title insurance company or title insurance agent conducting an escrow business, including an order to cease and desist or other order of the insurance commissioner; or

(10) Fail to make any report or statement lawfully required by the insurance commissioner or other public official.

[1999 c 30 § 35.]

Chapter 48.30 RCW UNFAIR PRACTICES AND FRAUDS

Sections

| | |
|-----------|---|
| 48.30.010 | Unfair practices in general--Remedies and penalties. |
| 48.30.020 | Anticompetitive law. |
| 48.30.030 | False financial statements. |
| 48.30.040 | False information and advertising. |
| 48.30.050 | Advertising must show name and domicile. |
| 48.30.060 | Insurer name--Deceptive use prohibited. |
| 48.30.070 | Advertising of financial condition. |
| 48.30.075 | Using existence of insurance guaranty associations in advertising, etc., to sell insurance. |
| 48.30.080 | Defamation of insurer. |
| 48.30.090 | Misrepresentation of policies. |
| 48.30.100 | Dividends not to be guaranteed. |
| 48.30.110 | Contributions to candidates for insurance commissioner. |
| 48.30.120 | Misconduct of officers, employees. |
| 48.30.130 | Presumption of knowledge of director. |
| 48.30.140 | Rebating. |
| 48.30.150 | Illegal inducements. |
| 48.30.155 | Life or disability insurers--Insurance as inducement to purchase of goods, etc. |
| 48.30.157 | Charges for extra services. |
| 48.30.170 | Rebate--Acceptance prohibited. |
| 48.30.180 | "Twisting" prohibited. |

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| 48.30.190 | Illegal dealing in premiums. |
| 48.30.200 | Hypothecation of premium notes. |
| 48.30.210 | Misrepresentation in application for insurance. |
| 48.30.220 | Destruction, injury, secretion, etc., of property. |
| 48.30.230 | False claims or proof--Penalty. |
| 48.30.240 | Rate wars prohibited. |
| 48.30.250 | Interlocking ownership, management. |
| 48.30.260 | Right of debtor or borrower to select agent, broker, insurer. |
| 48.30.270 | Public building or construction contracts--Surety bonds or insurance--Violations concerning--Exemption. |
| 48.30.300 | Unfair discrimination, generally--Disability policies, specifically. |
| 48.30.310 | Commercial motor vehicle employment driving record not to be considered, when. |
| 48.30.320 | Notice of reason for cancellation, restrictions based on handicaps. |
| 48.30.330 | Immunity from libel or slander. |

Notes:

Discrimination prohibited: RCW 48.18.480.

RCW 48.30.010 Unfair practices in general--Remedies and penalties.

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive after a review of all comments received during the notice and comment rule-making period.

(3)(a) In defining other methods of competition and other acts and practices in the conduct of such business to be unfair or deceptive, and after reviewing all comments and documents received during the notice and comment rule-making period, the commissioner shall identify his or her reasons for defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive and shall include a statement outlining these reasons as part of the adopted rule.

(b) The commissioner shall include a detailed description of facts upon which he or she relied and of facts upon which he or she failed to rely, in defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive, in the concise explanatory statement prepared under RCW 34.05.325(6).

(c) Upon appeal the superior court shall review the findings of fact upon which the regulation is based de novo on the record.

(4) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated.

(5) If the commissioner has cause to believe that any person is violating any such

regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

(6) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

[1997 c 409 § 107; 1985 c 264 § 13; 1973 1st ex.s. c 152 § 6; 1965 ex.s. c 70 § 24; 1947 c 79 § .30.01; Rem. Supp. 1947 § 45.30.01.]

Notes:

Part headings--Severability--1997 c 409: See notes following RCW 43.22.051.

Severability--1973 1st ex.s. c 152: See note following RCW 48.05.140.

RCW 48.30.020 Anticompact law.

(1) No person shall either within or outside of this state enter into any contract, understanding or combination with any other person to do jointly or severally any act or engage in any practice for the purpose of

(a) controlling the rates to be charged for insuring any risk or any class of risks in this state; or

(b) unfairly discriminating against any person in this state by reason of his plan or method of transacting insurance, or by reason of his affiliation or nonaffiliation with any insurance organization; or

(c) establishing or perpetuating any condition in this state detrimental to free competition in the business of insurance or injurious to the insuring public.

(2) This section shall not apply relative to ocean marine and foreign trade insurances.

(3) This section shall not be deemed to prohibit the doing of things permitted to be done in accordance with the provisions of chapter 48.19 RCW of this code.

(4) Whenever the commissioner has knowledge of any violation of this section he shall forthwith order the offending person to discontinue such practice immediately or show cause to the satisfaction of the commissioner why such order should not be complied with. If the offender is an insurer or a licensee under this code and fails to comply with such order within thirty days after receipt thereof, the commissioner may forthwith revoke the offender's certificate of authority or licenses.

[1947 c 79 § .30.02; Rem. Supp. 1947 § 45.30.02.]

RCW 48.30.030 False financial statements.

No person shall knowingly file with any public official nor knowingly make, publish, or disseminate any financial statement of an insurer which does not accurately state the insurer's financial condition.

[1947 c 79 § .30.03; Rem. Supp. 1947 § 45.30.03.]

RCW 48.30.040 False information and advertising.

No person shall knowingly make, publish, or disseminate any false, deceptive or misleading representation or advertising in the conduct of the business of insurance, or relative to the business of insurance or relative to any person engaged therein.

[1947 c 79 § .30.04; Rem. Supp. 1947 § 45.30.04.]

RCW 48.30.050 Advertising must show name and domicile.

Every advertisement of, by, or on behalf of an insurer shall set forth the name in full of the insurer and the location of its home office or principal office, if any, in the United States (if an alien insurer).

[1947 c 79 § .30.05; Rem. Supp. 1947 § 45.30.05.]

RCW 48.30.060 Insurer name--Deceptive use prohibited.

No person who is not an insurer shall assume or use any name which deceptively infers or suggests that it is an insurer.

[1947 c 79 § .30.06; Rem. Supp. 1947 § 45.30.06.]

RCW 48.30.070 Advertising of financial condition.

(1) Every advertisement by or on behalf of any insurer purporting to show its financial condition may be in a condensed form but shall in substance correspond with the insurer's last verified statement filed with the commissioner.

(2) No insurer or person in its behalf shall advertise assets except those actually owned and possessed by the insurer in its own exclusive right, available for the payment of losses and claims, and held for the protection of its policyholders and creditors.

[1947 c 79 § .30.07; Rem. Supp. 1947 § 45.30.07.]

RCW 48.30.075 Using existence of insurance guaranty associations in advertising, etc., to sell insurance.

No person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement which uses the existence of the Washington Insurance Guaranty Association or the Washington Life and Disability Insurance Guaranty

Association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by the Washington Insurance Guaranty Association Act or the Washington Life and Disability Insurance Guaranty Association Act.

[1975-'76 2nd ex.s. c 109 § 9.]

RCW 48.30.080 Defamation of insurer.

No person shall make, publish, or disseminate, or aid, abet or encourage the making, publishing, or dissemination of any information or statement which is false or maliciously critical and which is designed to injure in its reputation or business any authorized insurer or any domestic corporation or reciprocal being formed pursuant to this code for the purpose of becoming an insurer.

[1947 c 79 § .30.08; Rem. Supp. 1947 § 45.30.08.]

RCW 48.30.090 Misrepresentation of policies.

No person shall make, issue or circulate, or cause to be made, issued or circulated any misrepresentation of the terms of any policy or the benefits or advantages promised thereby, or the dividends or share of surplus to be received thereon, or use any name or title of any policy or class of policies misrepresenting the nature thereof.

[1947 c 79 § .30.09; Rem. Supp. 1947 § 45.30.09.]

RCW 48.30.100 Dividends not to be guaranteed.

No insurer, agent, broker, solicitor, or other person, shall guarantee or agree to the payment of future dividends or future refunds of unused premiums or savings in any specific or approximate amounts or percentages on account of any insurance contract.

[1947 c 79 § .30.10; Rem. Supp. 1947 § 45.30.10.]

RCW 48.30.110 Contributions to candidates for insurance commissioner.

(1) No insurer or fraternal benefit society doing business in this state shall directly or indirectly pay or use, or offer, consent, or agree to pay or use any money or thing of value for or in aid of any candidate for the office of insurance commissioner; nor for reimbursement or indemnification of any person for money or property so used.

(2) Any individual who violates any provision of this section, or who participates in, aids, abets, advises, or consents to any such violation, or who solicits or knowingly receives any money or thing of value in violation of this section, shall be guilty of a gross misdemeanor and shall be liable to the insurer or society for the amount so contributed or received.

[1982 c 181 § 18; 1947 c 79 § .30.11; Rem. Supp. 1947 § 45.30.11.]

Notes:

Severability--1982 c 181: See note following RCW 48.03.010.

RCW 48.30.120 Misconduct of officers, employees.

No director, officer, agent, attorney in fact, or employee of an insurer shall:

(1) Knowingly receive or possess himself of any of its property, otherwise than in payment for a just demand, and with intent to defraud, omit to make or to cause or direct to be made, a full and true entry thereof in its books and accounts; nor

(2) Make or concur in making any false entry, or concur in omitting to make any material entry, in its books or accounts; nor

(3) Knowingly concur in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition containing any material statement which is false, or omit or concur in omitting any statement required by law to be contained therein; nor

(4) Having the custody or control of its books, wilfully fail to make any proper entry in the books of the insurer as required by law, or to exhibit or allow the same to be inspected and extracts to be taken therefrom by any person entitled by law to inspect the same, or take extracts therefrom; nor

(5) If a notice of an application for an injunction or other legal process affecting or involving the property or business of the insurer is served upon him, fail to disclose the fact of such service and the time and place of such application to the other directors, officers, and managers thereof; nor

(6) Fail to make any report or statement lawfully required by a public officer.

[1947 c 79 § .30.12; Rem. Supp. 1947 § 45.30.12.]

RCW 48.30.130 Presumption of knowledge of director.

A director of an insurer is deemed to have such knowledge of its affairs as to enable him to determine whether any act, proceeding, or omission of its directors is a violation of any provision of this chapter. If present at a meeting of directors at which any act, proceeding, or omission of its directors which is a violation of any such provision occurs, he must be deemed to have concurred therein unless at the time he causes or in writing requires his dissent therefrom to be entered on the minutes of the directors.

If absent from such meeting, he must be deemed to have concurred in any such violation if the facts constituting such violation appear on the records or minutes of the proceedings of the board of directors, and he remains a director of the insurer for six months thereafter without causing or in writing requiring his dissent from such violation to be entered upon such record or minutes.

[1947 c 79 § .30.13; Rem. Supp. 1947 § 45.30.13.]

RCW 48.30.140 Rebating.

(1) Except to the extent provided for in an applicable filing with the commissioner then in effect, no insurer, general agent, agent, broker, or solicitor shall, as an inducement to insurance, or after insurance has been effected, directly or indirectly, offer, promise, allow, give, set off, or pay to the insured or to any employee of the insured, any rebate, discount, abatement, or reduction of premium or any part thereof named in any insurance contract, or any commission thereon, or earnings, profits, dividends, or other benefit, or any other valuable consideration or inducement whatsoever which is not expressly provided for in the policy.

(2) Subsection (1) of this section shall not apply as to commissions paid to a licensed agent, general agent, broker, or solicitor for insurance placed on that person's own property or risks.

(3) This section shall not apply to the allowance by any marine insurer, or marine insurance agent, general agent, broker, or solicitor, to any insured, in connection with marine insurance, of such discount as is sanctioned by custom among marine insurers as being additional to the agent's or broker's commission.

(4) This section shall not apply to advertising or promotional programs conducted by insurers, agents, or brokers whereby prizes, goods, wares, or merchandise, not exceeding twenty-five dollars in value per person in the aggregate in any twelve month period, are given to all insureds or prospective insureds under similar qualifying circumstances.

(5) This section does not apply to an offset or reimbursement of all or part of a fee paid to a broker as provided in RCW 48.17.270.

[1994 c 203 § 3; 1990 1st ex.s. c 3 § 8; 1985 c 264 § 14; 1975-'76 2nd ex.s. c 119 § 3; 1947 c 79 § .30.14; Rem. Supp. 1947 § 45.30.14.]

RCW 48.30.150 Illegal inducements.

No insurer, general agent, agent, broker, solicitor, or other person shall, as an inducement to insurance, or in connection with any insurance transaction, provide in any policy for, or offer, or sell, buy, or offer or promise to buy or give, or promise, or allow to, or on behalf of, the insured or prospective insured in any manner whatsoever:

(1) Any shares of stock or other securities issued or at any time to be issued on any interest therein or rights thereto; or

(2) Any special advisory board contract, or other contract, agreement, or understanding of any kind, offering, providing for, or promising any profits or special returns or special dividends; or

(3) Any prizes, goods, wares, or merchandise of an aggregate value in excess of twenty-five dollars.

This section shall not be deemed to prohibit the sale or purchase of securities as a condition to or in connection with surety insurance insuring the performance of an obligation as part of a plan of financing found by the commissioner to be designed and operated in good faith primarily for the purpose of such financing, nor shall it be deemed to prohibit the sale of redeemable securities of a registered investment company in the same transaction in which life insurance is sold.

[1990 1st ex.s. c 3 § 9; 1975-'76 2nd ex.s. c 119 § 4; 1957 c 193 § 18; 1947 c 79 § .30.15; Rem. Supp. 1947 § 45.30.15.]

RCW 48.30.155 Life or disability insurers--Insurance as inducement to purchase of goods, etc.

No life or disability insurer shall directly or indirectly participate in any plan to offer or effect any kind or kinds of insurance in this state as an inducement to the purchase by the public of any goods, securities, commodities, services or subscriptions to publications. This section shall not apply to group or blanket insurance issued pursuant to this code.

[1957 c 193 § 19.]

RCW 48.30.157 Charges for extra services.

Notwithstanding the provisions of RCW 48.30.140, 48.30.150, and 48.30.155, the commissioner may permit an agent or broker to enter into reasonable arrangements with insureds and prospective insureds to charge a reduced fee in situations where services that are charged for are provided beyond the scope of services customarily provided in connection with the solicitation and procurement of insurance, so that an overall charge to an insured or prospective insured is reasonable taking into account receipt of commissions and fees and their relation, proportionally, to the value of the total work performed.

[1988 c 248 § 17; 1983 c 3 § 154; 1979 ex.s. c 199 § 10.]

RCW 48.30.170 Rebate--Acceptance prohibited.

(1) No insured person shall receive or accept, directly or indirectly, any rebate of premium or part thereof, or any favor, advantage, share in dividends, or other benefits, or any valuable consideration or inducement not specified or provided for in the policy, or any commission on any insurance policy to which he or she is not lawfully entitled as a licensed agent, broker, or solicitor. The retention by the nominal policyholder in any group life insurance contract of any part of any dividend or reduction of premium thereon contrary to the provisions of RCW 48.24.260, shall be deemed the acceptance and receipt of a rebate and shall be punishable as provided by this code.

(2) The amount of insurance whereon the insured has so received or accepted any such rebate or any such commission, other than as to life or disability insurances, shall be reduced in the proportion that the amount or value of the rebate or commission bears to the premium for such insurance. In addition to such reduction of insurance, if any, any such insured shall be liable to a fine of not more than two hundred dollars.

(3) This section shall not apply to an offset or reimbursement of all or part of a fee paid to a broker as provided in RCW 48.17.270.

[1994 c 203 § 4; 1947 c 79 § .30.17; Rem. Supp. 1947 § 45.30.17.]

RCW 48.30.180 "Twisting" prohibited.

No person shall by misrepresentations or by misleading comparisons, induce or tend to induce any insured to lapse, terminate, forfeit, surrender, retain, or convert any insurance policy.

[1947 c 79 § .30.18; Rem. Supp. 1947 § 45.30.18.]

RCW 48.30.190 Illegal dealing in premiums.

(1) No person shall wilfully collect any sum as premium for insurance, which insurance is not then provided or is not in due course to be provided by an insurance policy issued by an insurer as authorized by this code.

(2) No person shall wilfully collect as premium for insurance any sum in excess of the amount actually expended or in due course is to be expended for insurance applicable to the subject on account of which the premium was collected.

(3) No person shall wilfully or knowingly fail to return to the person entitled thereto within a reasonable length of time any sum collected as premium for insurance in excess of the amount actually expended for insurance applicable to the subject on account of which the premium was collected.

(4) Each violation of this section which does not amount to a felony shall constitute a misdemeanor.

[1947 c 79 § .30.19; Rem. Supp. 1947 § 45.30.19.]

RCW 48.30.200 Hypothecation of premium notes.

It shall be unlawful for any insurer or its representative, or any agent or broker, to hypothecate, sell, or dispose of any promissory note, received in payment for any premium or part thereof on any contract of life insurance or of disability insurance applied for, prior to delivery of the policy to the applicant.

[1947 c 79 § .30.20; Rem. Supp. 1947 § 45.30.20.]

RCW 48.30.210 Misrepresentation in application for insurance.

A person who knowingly makes a false or misleading statement or impersonation, or who willfully fails to reveal a material fact, in or relative to an application for insurance to an insurer, is guilty of a gross misdemeanor, and the license of any such person may be revoked.

[1995 c 285 § 18; 1990 1st ex.s. c 3 § 10; 1947 c 79 § .30.21; Rem. Supp. 1947 § 45.30.21.]

Notes:

Effective date--1995 c 285: See RCW 48.30A.900.

RCW 48.30.220 Destruction, injury, secretion, etc., of property.

Any person, who, with intent to defraud or prejudice the insurer thereof, burns or in any manner injures, destroys, secretes, abandons, or disposes of any property which is insured at the time against loss or damage by fire, theft, embezzlement, or any other casualty, whether the same be the property of or in the possession of such person or any other person, under circumstances not making the offense arson in the first degree, is guilty of a class C felony.

[1995 c 285 § 19; 1965 ex.s. c 70 § 25; 1947 c 79 § .30.22; Rem. Supp. 1947 § 45.30.22.]

Notes:

Effective date--1995 c 285: See RCW 48.30A.900.

RCW 48.30.230 False claims or proof--Penalty.

Any person, who, knowing it to be such:

(1) Presents, or causes to be presented, a false or fraudulent claim, or any proof in support of such a claim, for the payment of a loss under a contract of insurance; or

(2) Prepares, makes, or subscribes any false or fraudulent account, certificate, affidavit, or proof of loss, or other document or writing, with intent that it be presented or used in support of such a claim, is guilty of a gross misdemeanor, or if such claim is in excess of one thousand five hundred dollars, of a class C felony.

[1990 1st ex.s. c 3 § 11; 1947 c 79 § .30.23; Rem. Supp. 1947 § 45.30.23.]

RCW 48.30.240 Rate wars prohibited.

(1) Any insurer which precipitates, or aids in precipitating or conducting a rate war and by so doing writes or issues a policy of insurance at a less rate than permitted under its schedules filed with the commissioner, or below the rate deemed by him to be proper and adequate to cover the class of risk insured, shall have its certificate of authority to do business in this state suspended until such time as the commissioner is satisfied that it is charging a proper rate of premium.

(2) Any insurer which has precipitated, or aided in precipitating or conducting a rate war for the purpose of punishing or eliminating competitors or stifling competition, or demoralizing the business, or for any other purpose, and has ordered the cancellation or rewriting of policies at a rate lower than that provided by its rating schedules where such rate war is not in operation, and has paid or attempted to pay to the insured any return premiums, on any risk so to be rewritten, on which its agent has received or is entitled to receive his regular commission, such insurer shall not be allowed to charge back to such agent any portion of his commission on the ground that the same has not been earned.

[1947 c 79 § .30.24; Rem. Supp. 1947 § 45.30.24.]

RCW 48.30.250 Interlocking ownership, management.

(1) Any insurer may retain, invest in or acquire the whole or any part of the capital stock of any other insurer or insurers, or have a common management with any other insurer or

insurers, unless such retention, investment, acquisition or common management is inconsistent with any other provision of this title, or unless by reason thereof the business of such insurers with the public is conducted in a manner which substantially lessens competition generally in the insurance business or tends to create a monopoly therein.

(2) Any person otherwise qualified may be a director of two or more insurers which are competitors, unless the effect thereof is to substantially lessen competition between insurers generally or tends to create a monopoly.

(3) If the commissioner finds, after a hearing thereon, that there is violation of this section he shall order all such persons and insurers to cease and desist from such violation within such time, or extension thereof, as may be specified in such order.

[1949 c 190 § 34; Rem. Supp. 1949 § 45.30.25.]

RCW 48.30.260 Right of debtor or borrower to select agent, broker, insurer.

(1) Every debtor or borrower, when property insurance of any kind is required in connection with the debt or loan, shall have reasonable opportunity and choice in the selection of the agent, broker, and insurer through whom such insurance is to be placed; but only if the insurance is properly provided for the protection of the creditor or lender, whether by policy or binder, not later than at commencement of risk as to such property as respects such creditor or lender, and in the case of renewal of insurance, only if the renewal policy, or a proper binder therefor containing a brief description of the coverage bound and the identity of the insurer in which the coverage is bound, is delivered to the creditor or lender not later than thirty days prior to the renewal date.

(2) Every person who lends money or extends credit and who solicits insurance on real and personal property must explain to the borrower in prominently displayed writing that the insurance related to such loan or credit extension may be purchased from an insurer or agent of the borrower's choice, subject only to the lender's right to reject a given insurer or agent as provided in subsection (3)(b) of this section.

(3) No person who lends money or extends credit may:

(a) Solicit insurance for the protection of property, after a person indicates interest in securing a loan or credit extension, until such person has received a commitment from the lender as to a loan or credit extension;

(b) Unreasonably reject a contract of insurance furnished by the borrower for the protection of the property securing the credit or lien. A rejection shall not be deemed unreasonable if it is based on reasonable standards, uniformly applied, relating to the extent of coverage required and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for rejection of an insurance contract because the contract contains coverage in addition to that required in the credit transaction;

(c) Require that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge, in connection with the handling of any contract of insurance required as security for a loan, or pay a separate charge to substitute the insurance policy of one insurer for that of

another. This subsection does not include the interest which may be charged on premium loans or premium advancements in accordance with the terms of the loan or credit document;

(d) Use or disclose, without the prior written consent of the borrower, mortgagor, or purchaser taken at a time other than the making of the loan or extension of credit, information relative to a contract of insurance which is required by the credit transaction, for the purpose of replacing such insurance;

(e) Require any procedures or conditions of duly licensed agents, brokers, or insurers not customarily required of those agents, brokers, or insurers affiliated or in any way connected with the person who lends money or extends credit; or

(f) Require property insurance in an amount in excess of the amount which could reasonably be expected to be paid under the policy, or combination of policies, in the event of a loss.

(4) Nothing contained in this section shall prevent a person who lends money or extends credit from placing insurance on real or personal property in the event the mortgagor, borrower, or purchaser has failed to provide required insurance in accordance with the terms of the loan or credit document.

(5) Nothing contained in this section shall apply to credit life or credit disability insurance.

[1990 1st ex.s. c 3 § 13; 1988 c 248 § 18; 1984 c 6 § 2; 1977 c 61 § 1; 1957 c 193 § 20.]

RCW 48.30.270 Public building or construction contracts--Surety bonds or insurance--Violations concerning--Exemption. (Expires December 31, 2006.)

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in

conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to:

(a) The public nonprofit corporation authorized under RCW 67.40.020; or

(b) Projects in excess of one hundred million dollars for port districts formed under chapter 53.04 RCW; or

(c) A regional transit authority authorized under RCW 81.112.030.

[2000 2nd sp.s. c 4 § 33; 2000 c 143 § 2; 1983 2nd ex.s. c 1 § 6; 1967 ex.s. c 12 § 3.]

Notes:

Reviser's note: This section was amended by 2000 c 143 § 2 and by 2000 2nd sp.s. c 4 § 33, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Expiration date--2000 c 143: See note following RCW 53.08.145.
State convention and trade center--Corporation exempt: RCW 67.40.020.

RCW 48.30.270 Public building or construction contracts--Surety bonds or insurance--Violations concerning--Exemption. (Effective December 31, 2006.)

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to:

- (a) The public nonprofit corporation authorized under RCW 67.40.020; or
- (b) A regional transit authority authorized under RCW 81.112.030.

[2000 2nd sp.s. c 4 § 33; 1983 2nd ex.s. c 1 § 6; 1967 ex.s. c 12 § 3.]

Notes:

State convention and trade center--Corporation exempt: RCW 67.40.020.

RCW 48.30.300 Unfair discrimination, generally--Disability policies, specifically.

Notwithstanding any provision contained in Title 48 RCW to the contrary:

(1) No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Subject to the provisions of subsection (2) of this section these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) With respect to disability policies issued or renewed on and after July 1, 1994, that provide coverage against loss arising from medical, surgical, hospital, or emergency care services:

(a) Policies shall guarantee continuity of coverage. Such provision, which shall be included in every policy, shall provide that:

(i) The policy may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premium or as permitted under RCW 48.18.090; and

(ii) The policy may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the insurer has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a disability insurer to modify the coverage provided or rates applying to an in-force disability insurance policy and to fail to make such modification in all such issued and outstanding policies.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a disability insurer to:

(i) Cease the sale of a policy form unless it has received prior written authorization from the commissioner and has offered all policyholders covered under such discontinued policy the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects policyholders to rate increases on discontinued

policy forms unless such policyholders are offered the opportunity to purchase comparable coverage without health screening.

The insurer may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

[1993 c 492 § 287; 1975-'76 2nd ex.s. c 119 § 7.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 48.30.310 Commercial motor vehicle employment driving record not to be considered, when.

When an individual applies for a policy of casualty insurance providing either automobile liability coverage, uninsured motorist coverage, automobile medical payments coverage, or automobile physical damage coverage on an individually owned passenger vehicle or a renewal of such policy, an insurer shall not consider the applicant's commercial motor vehicle employment driving record in determining whether the policy will be issued or renewed or in determining the rates for the policy. An insurer shall not cancel such policy or discriminate in regard to other terms or conditions of the policy based upon the applicant's commercial motor vehicle employment driving record.

"Employment driving record" means that record maintained by the director pertaining to motor vehicle accidents or convictions for violation of motor vehicle laws while the applicant is driving a commercial motor vehicle as an employee of another.

[1977 ex.s. c 356 § 3.]

RCW 48.30.320 Notice of reason for cancellation, restrictions based on handicaps.

Every authorized insurer, upon canceling, denying, or refusing to renew any individual life, individual disability, homeowner, dwelling fire, or private passenger automobile insurance policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer. Any benefits, terms, rates, or conditions of such an insurance contract which are restricted, excluded, modified, increased, or reduced because of the presence of a sensory, mental, or physical handicap shall, upon written request, be set forth in writing and supplied to the insured. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

[1979 c 133 § 1.]

RCW 48.30.330 Immunity from libel or slander.

With respect to contracts of insurance as defined in RCW 48.30.320, there shall be no

liability on the part of, and no cause of action of any nature shall arise against, the insurance commissioner, the commissioner's agents, or members of the commissioner's staff, or against any insurer, its authorized representative, its agents, its employees, furnishing to the insurer information as to reasons for cancellation or refusal to issue or renew, for libel or slander on the basis of any statement made by any of them in any written notice of cancellation or refusal to issue or renew, or in any other communications, oral or written, specifying the reasons for cancellation or refusal to issue or renew or the providing of information pertaining thereto, or for statements made or evidence submitted in any hearing conducted in connection therewith.

[1979 c 133 § 2.]

Chapter 48.30A RCW INSURANCE FRAUD

Sections

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| 48.30A.900 | Effective date--1995 c 285. |

RCW 48.30A.005 Findings--Intent.

The legislature finds that the business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. The payment of kickbacks, bribes, or rebates for referrals to service providers, as has been occurring with increasing regularity in this state, results in inflated or fraudulent insurance claims, results in greater insurance costs for all citizens, and is contrary to the public interest. In particular, the process whereby "cappers" buy and sell insurance claims without the controls of professional licensing and discipline creates a fertile ground for illegal activity and has, in this state, resulted in frauds committed against injured claimants, insurance

companies, and the public. Operations that engage in this practice have some or all of the following characteristics: Cappers, acting under an agreement or understanding that they will receive a pecuniary benefit, refer claimants with real or imaginary claims, injuries, or property damage to service providers. This sets off a chain of events that corrupts both the provision of services and casualty or property insurance for all citizens. This chain of events includes false claims for services through the use of false estimates of repair; false prescriptions of care or rehabilitative therapy; services that either do not occur or are provided by persons unqualified to provide the services; submission of false claims; submission of and demands for fraudulent costs, lost wages, pain and suffering, and the like; and other devices meant to result in false claims under casualty or property insurance policies or contracts, whether insured or self-insured, and either directly or through subrogation.

The legislature finds that combatting these practices requires laws carefully fashioned to identify practices that mimic customary business practices. The legislature does not intend this law to be used against medical and other business referral practices that are otherwise legal, customary, and unrelated to the furtherance of some or all of the corrupt practices identified in this chapter.

[1995 c 285 § 1.]

RCW 48.30A.010 Definitions.

The definitions set forth in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Casualty or property insurance" includes both the insurance under which a claim is filed and insurance that receives a claim through subrogation, and means insurance as defined in RCW 48.11.040 and 48.11.070 and includes self-insurance arrangements.

(2) "Claimant" means a person who has or is believed by an actor to have an insurance claim.

(3) "Group-buying arrangement" means an arrangement made by a membership organization having one hundred or more members in which the organization asks for or receives valuable consideration in exchange for referring its members to a service provider; the consideration asked for or received will be or is used to benefit the entire organization, not just one or more individuals in positions of power or influence in the organization; and reasonable efforts are made to disclose to affected members of the organization the nature of the referral relationship, including the nature, extent, amount, and use of the consideration.

(4) "Health care services" means a service provided to a claimant for treatment of physical or mental illness or injury arising in whole or substantial part from trauma.

(5) "Insurance claim" means a claim for payment, benefits, or damages under a contract, plan, or policy of casualty or property insurance.

(6) "Legal provider" means an active member in good standing of the Washington state bar association, and any other person authorized by the Washington state supreme court to engage in full or limited practice of law.

(7) "Service provider" means a person who directly or indirectly provides, advertises, or

otherwise claims to provide services.

(8) "Services" means health care services, motor vehicle body or other motor vehicle repair, and preparing, processing, presenting, or negotiating an insurance claim.

(9) "Trauma" means a physical injury or wound caused by external force or violence.

[1995 c 285 § 2.]

RCW 48.30A.015 Unlawful acts.

(1) It is unlawful for a person:

(a) Knowing that the payment is for the referral of a claimant to a service provider, either to accept payment from a service provider or, being a service provider, to pay another; or

(b) To provide or claim or represent to have provided services to a claimant, knowing the claimant was referred in violation of (a) of this subsection.

(2) It is unlawful for a service provider to engage in a regular practice of waiving, rebating, giving, paying, or offering to waive, rebate, give, or pay all or any part of a claimant's casualty or property insurance deductible.

[1995 c 285 § 3.]

RCW 48.30A.020 Defenses to proceedings under this chapter.

In a proceeding under this chapter, it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense:

(1) The conduct alleged was authorized by the rules of professional conduct or the admission to practice rules for lawyers as adopted by the state supreme court, Washington business and professions licensing statutes, or rules adopted by the secretary of health or the director of licensing;

(2) The payment was an incidental nonmonetary gift or gratuity, or was purely social in nature;

(3) The conduct alleged was an exercise of a group-buying arrangement;

(4) The conduct alleged was a legal provider paying a service provider's bills from the proceeds of an insurance claim that included the bills;

(5) The conduct alleged was a legal provider paying for services of an expert witness, including reports, consultation, and testimony; or

(6) The conduct alleged was a service provider's purchase of advertising from an unrelated business that provides referrals from advertising for groups of ten or more service providers that are not related to the advertising business and not related to each other.

[1995 c 285 § 4.]

RCW 48.30A.025 Trafficking in insurance claims--Penalties.

A violation of RCW 48.30A.015 constitutes trafficking in insurance claims. A single

violation is a gross misdemeanor. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony.

[1995 c 285 § 5.]

RCW 48.30A.030 Injunction available--Remedies--Costs--Attorneys' fees--Degree of proof--Time limit.

Independent of authority granted to the attorney general, the prosecuting attorney may petition the superior court for an injunction against a person who has violated this chapter. Remedies in an injunctive action brought by a prosecuting attorney are limited to an order enjoining, restraining, or preventing the doing of any act or practice that constitutes a violation of this chapter and imposing a civil penalty of up to five thousand dollars for each violation. The prevailing party in the action may, in the discretion of the court, recover its reasonable investigative costs and the costs of the action including a reasonable attorney's fee. The degree of proof required in an action brought under this section is a preponderance of the evidence. An action under this section must be brought within three years after the violation of this chapter occurred.

[1995 c 285 § 6.]

RCW 48.30A.035 Detrimental judgment--Written notification to appropriate regulatory or disciplinary body or agency.

Whenever a service provider or a person licensed by the state in a business or profession is convicted, enjoined, or found liable for damages or a civil penalty or other equitable relief under RCW 48.30A.030, the attorney general or the prosecuting attorney shall provide written notification of the judgment to the appropriate regulatory or disciplinary body or agency.

[1995 c 285 § 7.]

RCW 48.30A.040 Violation--Cause for discipline--Unprofessional conduct--Regulatory penalty.

A violation of this chapter is cause for discipline and constitutes unprofessional conduct that could result in any regulatory penalty provided by law, including refusal, revocation, or suspension of a business or professional license, or right or admission to practice. Conduct that constitutes a violation of this chapter is unprofessional conduct in violation of RCW 18.130.180.

[1995 c 285 § 8.]

RCW 48.30A.045 Insurance antifraud plan--File plan and changes with commissioner--Exemptions.

(1) Each insurer licensed to write direct insurance in this state, except those exempted in

subsection (2) of this section, shall institute and maintain an insurance antifraud plan. An insurer licensed on July 1, 1995, shall file its antifraud plan with the insurance commissioner no later than December 31, 1995. An insurer licensed after July 1, 1995, shall file its antifraud plan within six months of licensure. An insurer shall file any change to the antifraud plan with the insurance commissioner within thirty days after the plan has been modified.

(2) This section does not apply to health carriers, as defined in RCW 48.43.005, life insurers, or title insurers; or property or casualty insurers with annual gross written medical malpractice insurance premiums in this state that exceed fifty percent of their total annual gross written premiums in this state; or all credit-related insurance written in connection with a credit transaction in which the creditor is named as a beneficiary or loss payee under the policy except vendor single-interest or collateral protection coverage as defined in RCW 48.22.110(4).

[1997 c 92 § 1; 1995 c 285 § 9.]

RCW 48.30A.050 Insurance antifraud plan--Specific procedures.

An insurer's antifraud plan must establish specific procedures to:

(1) Prevent insurance fraud, including internal fraud involving employees or company representatives, fraud resulting from misrepresentation on applications for insurance coverage, and claims fraud;

(2) Review claims in order to detect evidence of possible insurance fraud and to investigate claims where fraud is suspected;

(3) Report fraud to appropriate law enforcement agencies and cooperate with those agencies in their prosecution of fraud cases;

(4) Undertake civil actions against persons who have engaged in fraudulent activities;

(5) Train company employees and agents in the detection and prevention of fraud.

[1995 c 285 § 10.]

RCW 48.30A.055 Insurance antifraud plan--Review--Disapproval--Notice--Audit to ensure compliance.

If after review of an insurer's antifraud plan, the commissioner finds that the plan does not comply with RCW 48.30A.050, the commissioner may disapprove the antifraud plan. Notice of disapproval must include a statement of the specific reasons for disapproval. The insurer shall refile a plan disapproved by the commissioner within sixty days of the date of the notice of disapproval. The commissioner may audit insurers to ensure compliance with antifraud plans.

[1995 c 285 § 11.]

RCW 48.30A.060 Insurance antifraud plan--Actions taken by insurer--Report--Not public records.

Each insurer shall annually provide to the insurance commissioner a summary report on

actions taken under its antifraud plan to prevent and combat insurance fraud. The report must also include, but not be limited to, measures taken to protect and ensure the integrity of electronic data processing-generated data and manually compiled data, statistical data on the amount of resources committed to combatting fraud, and the amount of fraud identified and recovered during the reporting period. The antifraud plans and summary of the insurer's antifraud activities are not public records and are exempt from chapter 42.17 RCW, are proprietary, are not subject to public examination, and are not discoverable or admissible in civil litigation.

[1995 c 285 § 12.]

RCW 48.30A.065 Insurance antifraud plan--Failure to file or exercise good faith--Penalty--Failure to follow plan--Civil penalty.

An insurer that fails to file a timely antifraud plan or who does not make a good faith attempt to file an antifraud plan that complies with RCW 48.30A.050, is subject to the penalty provisions of RCW 48.01.080, but no penalty may be imposed for the first filing made by an insurer under this chapter. An insurer that fails to follow the antifraud plan is subject to a civil penalty not to exceed ten thousand dollars for each violation, at the discretion of the commissioner after consideration of all relevant factors, including the willfulness of the violation.

[1995 c 285 § 13.]

RCW 48.30A.070 Duty to investigate, enforce, and prosecute violations.

It is the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

[1995 c 285 § 14.]

RCW 48.30A.900 Effective date--1995 c 285.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

[1995 c 285 § 39.]

**Chapter 48.31 RCW
MERGERS, REHABILITATION, LIQUIDATION**

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Notes:

Dissolution of business corporation: Chapter 23B.14 RCW.

Uniform insurers liquidation act: Chapter 48.99 RCW.

RCW 48.31.010 Merger or consolidation.

(1) Subject to the provisions of RCW 48.08.080, relating to the mutualization of stock insurers, RCW 48.09.350, relating to the conversion or reinsurance of mutual insurers, and RCW 48.10.330, relating to the consolidation or conversion of reciprocal insurers, a domestic insurer may merge or consolidate with another insurer, subject to the following conditions:

(a) The plan of merger or consolidation must be submitted to and be approved by the commissioner in advance of the merger or consolidation.

(b) The commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the commissioner may require, he finds that it is fair, equitable, consistent with law, and that no reasonable objection exists. If the commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing. The insurers involved in the merger shall bear the expense of the mailing of the notice of hearing and of the order on hearing.

(c) No director, officer, member, or subscriber of any such insurer, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other compensation or valuable consideration whatsoever, for in any manner aiding, promoting or assisting in the merger or consolidation.

(d) Any merger or consolidation as to an incorporated domestic insurer shall in other respects be governed by the general laws of this state relating to business corporations. Except, that as to domestic mutual insurers, approval by two-thirds of its members who vote thereon pursuant to such notice and procedure as was approved by the commissioner shall constitute approval of the merger or consolidation as respects the insurer's members.

(2) Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer shall be deemed a consolidation for the purposes of this section.

[1973 1st ex.s. c 107 § 3; 1961 c 194 § 11; 1947 c 79 § .31.01; Rem. Supp. 1947 § 45.31.01.]

Notes:

Severability--1973 1st ex.s. c 107: See note following RCW 48.17.330.

RCW 48.31.020 "Insurer"--Scope of term.

For the purposes of this chapter, other than as to RCW 48.31.010, and in addition to persons included under RCW 48.99.010, the term "insurer" shall be deemed to include an insurer authorized under chapter 48.05 RCW, an insurer or institution holding a certificate of exemption under RCW 48.38.010, a health care service contractor registered under chapter 48.44 RCW, and a health maintenance organization registered under chapter 48.46 RCW, as well as all persons

engaged as, or purporting to be engaged as insurers, institutions issuing charitable gift annuities, health care service contractors, or health maintenance organizations in this state, and to persons in process of organization to become insurers, institutions issuing charitable gift annuities, health care service contractors, or health maintenance organizations.

[1998 c 284 § 8; 1989 c 151 § 1; 1947 c 79 § .31.02; Rem. Supp. 1947 § 45.31.02.]

RCW 48.31.030 Rehabilitation--Grounds.

The commissioner may apply for an order directing him or her to rehabilitate a domestic insurer upon one or more of the following grounds: That the insurer

- (1) Is insolvent; or
- (2) Has refused to submit its books, records, accounts, or affairs to the reasonable examination of the commissioner; or
- (3) Has failed to comply with the commissioner's order, made pursuant to law, to make good an impairment of capital (if a stock insurer) or an impairment of assets (if a mutual or reciprocal insurer) within the time prescribed by law; or
- (4) Has transferred or attempted to transfer substantially its entire property or business, or has entered into any transaction the effect of which is to merge substantially its entire property or business in that of any other insurer without first having obtained the written approval of the commissioner; or
- (5) Is found, after examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to its members, subscribers, or stockholders, or to the public; or
- (6) Has willfully violated its charter or any law of this state; or
- (7) Has an officer, director, or manager who has refused to be examined under oath, concerning its affairs, for which purpose the commissioner is authorized to conduct and to enforce by all appropriate and available means any such examination under oath in any other state or territory of the United States, in which any such officer, director, or manager may then presently be, to the full extent permitted by the laws of any such other state or territory, this special authorization considered; or
- (8) Has been the subject of an application for the appointment of a receiver, trustee, custodian, or sequestrator of the insurer or of its property, or if a receiver, trustee, custodian, or sequestrator is appointed by a federal court or if such appointment is imminent; or
- (9) Has consented to such an order through a majority of its directors, stockholders, members, or subscribers; or
- (10) Has failed to pay a final judgment rendered against it in any state upon any insurance contract issued or assumed by it, within thirty days after the judgment became final or within thirty days after time for taking an appeal has expired, or within thirty days after dismissal of an appeal before final determination, whichever date is the later; or
- (11) There is reasonable cause to believe that there has been embezzlement from the insurer, wrongful sequestration or diversion of the insurer's assets, forgery or fraud affecting the insurer, or other illegal conduct in, by, or with respect to the insurer that, if established, would

endanger assets in an amount threatening the solvency of the insurer; or

(12) The insurer has failed to remove a person who in fact has executive authority in the insurer, whether an officer, manager, general agent, employee, or other person, if the person has been found after notice and hearing by the commissioner to be dishonest or untrustworthy in a way affecting the insurer's business; or

(13) Control of the insurer, whether by stock ownership or ownership or otherwise, and whether direct or indirect, is in a person or persons found after notice and hearing to be untrustworthy; or

(14) The insurer has failed to file its annual report or other financial report required by statute within the time allowed by law and, after written demand by the commissioner, has failed to give an adequate explanation immediately; or

(15) The board of directors or the holders of a majority of the shares entitled to vote, request, or consent to rehabilitation under this chapter.

[1993 c 462 § 75; 1949 c 190 § 28; 1947 c 79 § .31.03; Rem. Supp. 1949 § 45.31.03.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.040 Rehabilitation--Order--Termination.

(1) An order to rehabilitate a domestic insurer shall direct the commissioner forthwith to take possession of the property of the insurer and to conduct the business thereof, and to take such steps toward removal of the causes and conditions which have made rehabilitation necessary as the court may direct.

(2) If at any time the commissioner deems that further efforts to rehabilitate the insurer would be useless, he or she may apply to the court for an order of liquidation.

(3) The commissioner, or any interested person upon due notice to the commissioner, at any time may apply for an order terminating the rehabilitation proceeding and permitting the insurer to resume possession of its property and the conduct of its business, but no such order shall be granted except when, after a full hearing, the court has determined that the purposes of the proceedings have been fully accomplished.

(4) An order to rehabilitate the business of a domestic insurer, or an alien insurer domiciled in this state, shall appoint the commissioner and his or her successors in office as the rehabilitator, and shall direct the rehabilitator to immediately take possession of the assets of the insurer, and to administer them under the general supervision of the court. The filing or recording of the order with the recorder of deeds of the county in this state in which the principal business of the company is conducted, or the county in this state in which the company's principal office or place of business is located, imparts the same notice as a deed or other evidence of title duly filed or recorded with that recorder of deeds would have imparted. The order to rehabilitate the insurer by operation of law vests title to all assets of the insurer in the rehabilitator.

(5) An order issued under this section requires accountings to the court by the

rehabilitator. Accountings must be done at such intervals as the court specifies in its order, but no less frequently than semiannually.

(6) Entry of an order of rehabilitation does not constitute an anticipatory breach of contracts of the insurer nor may it be grounds for retroactive revocation or retroactive cancellation of contracts of the insurer, unless the revocation or cancellation is done by the rehabilitator.

[1993 c 462 § 76; 1947 c 79 § .31.04; Rem. Supp. 1947 § 45.31.04.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.045 Rehabilitation order against insurer--Insurer is party to action or proceeding--Stay the action--Statute of limitations or defense of laches.

(1) A court in this state before which an action or proceeding in which the insurer is a party, or is obligated to defend a party, is pending when a rehabilitation order against the insurer is entered shall stay the action or proceeding for ninety days and such additional time as is necessary for the rehabilitator to obtain proper representation and prepare for further proceedings. The rehabilitator shall take such action respecting the pending litigation as he or she deems necessary in the interests of justice and for the protection of creditors, policyholders, and the public. The rehabilitator shall immediately consider all litigation pending outside this state and shall petition the courts having jurisdiction over that litigation for stays whenever necessary to protect the estate of the insurer.

(2) A statute of limitations or defense of laches does not run with respect to an action by or against an insurer between the filing of a petition for appointment of a rehabilitator for that insurer and the order granting or denying that petition. An action against the insurer that might have been commenced when the petition was filed may be commenced for at least sixty days after the order of rehabilitation is entered or the petition is denied. The rehabilitator may, upon an order for rehabilitation, within one year or such other longer time as applicable law may permit, institute an action or proceeding on behalf of the insurer upon a cause of action against which the period of limitation fixed by applicable law has not expired at the time of the filing of the petition upon which the order is entered.

(3) A guaranty association or foreign guaranty association covering life or health insurance or annuities has standing to appear in a court proceeding concerning the rehabilitation of a life or health insurer if the association is or may become liable to act as a result of the rehabilitation.

[1993 c 462 § 77.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.050 Liquidation--Grounds.

The commissioner may apply for an order directing him to liquidate the business of a domestic insurer or of the United States branch of an alien insurer having trusteed assets in this state, regardless of whether or not there has been a prior order directing him to rehabilitate such insurer, upon any of the grounds specified in RCW 48.31.030 or upon any one or more of the following grounds: That the insurer

- (1) Has ceased transacting business for a period of one year; or
- (2) Is an insolvent insurer and has commenced voluntary liquidation or dissolution, or attempts to commence or prosecute any action or proceeding to liquidate its business or affairs, or to dissolve its corporate charter, or to procure the appointment of a receiver, trustee, custodian, or sequestrator under any law except this code; or
- (3) Has not organized or completed its organization and obtained a certificate of authority as an insurer prior to the expiration or revocation of its solicitation permit.

[1947 c 79 § .31.05; Rem. Supp. 1947 § 45.31.05.]

RCW 48.31.060 Liquidation--Order.

(1) An order to liquidate the business of a domestic insurer shall direct the commissioner forthwith to take possession of the property of the insurer, to liquidate its business, to deal with the insurer's property and business in his own name as commissioner or in the name of the insurer as the court may direct, to give notice to all creditors who may have claims against the insurer to present such claims.

(2) The commissioner may apply under this chapter for an order dissolving the corporate existence of a domestic insurer:

(a) Upon his application for an order of liquidation of such insurer, or at any time after such order has been granted; or

(b) Upon the grounds specified in item (3) of RCW 48.31.050, regardless of whether an order of liquidation is sought or has been obtained.

[1947 c 79 § .31.06; Rem. Supp. 1947 § 45.31.06.]

RCW 48.31.070 Liquidation--Alien insurers.

An order to liquidate the business of the United States branch of an alien insurer having trusteed assets in this state shall be in the same terms as those prescribed for domestic insurers, except that only the assets of the business of such United States branch shall be included therein.

[1947 c 79 § .31.07; Rem. Supp. 1947 § 45.31.07.]

RCW 48.31.080 Conservation of assets--Foreign insurers.

The commissioner may apply for an order directing him to conserve the assets within this state of a foreign insurer upon any one or more of the following grounds:

- (1) Upon any of the grounds specified in items (1) to (9) inclusive of RCW 48.31.030 and

in item (2) of RCW 48.31.050.

(2) That its property has been sequestered in its domiciliary sovereignty or in any other sovereignty.

[1947 c 79 § .31.08; Rem. Supp. 1947 § 45.31.08.]

RCW 48.31.090 Conservation of assets--Alien insurers.

The commissioner may apply for an order directing him to conserve the assets within this state of an alien insurer upon any one or more of the following grounds:

(1) Upon any of the grounds specified in items (1) to (9) inclusive of RCW 48.31.030 and in item (2) of RCW 48.31.050; or

(2) That the insurer has failed to comply, within the time designated by the commissioner, with an order of the commissioner pursuant to law to make good an impairment of its trusteed funds; or

(3) That the property of the insurer has been sequestered in its domiciliary sovereignty or elsewhere.

[1947 c 79 § .31.09; Rem. Supp. 1947 § 45.31.09.]

RCW 48.31.100 Foreign insurers--Conservation, ancillary proceedings.

(1) An order to conserve the assets of a foreign or alien insurer shall direct the commissioner forthwith to take possession of the property of the insurer within this state and to conserve it, subject to the further direction of the court.

(2) Whenever a domiciliary receiver is appointed for any such insurer in its domiciliary state which is also a reciprocal state, as defined in *RCW 48.31.110, the court shall on application of the commissioner appoint the commissioner as the ancillary receiver in this state, subject to the provisions of the uniform insurers liquidation act.

[1947 c 79 § .31.10; Rem. Supp. 1947 § 45.31.10.]

Notes:

*Reviser's note: RCW 48.31.110 was recodified as RCW 48.99.010 pursuant to 1993 c 462 § 81.

RCW 48.31.105 Conduct of proceedings--Requirement to cooperate--Definitions--Violations--Penalties.

(1) An officer, manager, director, trustee, owner, employee, or agent of an insurer or other person with authority over or in charge of a segment of the insurer's affairs shall cooperate with the commissioner in a proceeding under this chapter or an investigation preliminary to the proceeding. The term "person" as used in this section includes a person who exercises control directly or indirectly over activities of the insurer through a holding company or other affiliate of the insurer. "To cooperate" as used in this section includes the following:

(a) To reply promptly in writing to an inquiry from the commissioner requesting such a reply; and

(b) To make available to the commissioner books, accounts, documents, or other records or information or property of or pertaining to the insurer and in his or her possession, custody, or control.

(2) A person may not obstruct or interfere with the commissioner in the conduct of a delinquency proceeding or an investigation preliminary or incidental thereto.

(3) This section does not abridge existing legal rights, including the right to resist a petition for liquidation or other delinquency proceedings, or other orders.

(4) A person included within subsection (1) of this section who fails to cooperate with the commissioner, or a person who obstructs or interferes with the commissioner in the conduct of a delinquency proceeding or an investigation preliminary or incidental thereto, or who violates an order the commissioner issued validly under this chapter may:

(a) Be sentenced to pay a fine not exceeding ten thousand dollars or to undergo imprisonment for a term of not more than one year, or both; or

(b) After a hearing, be subject to the imposition by the commissioner of a civil penalty not to exceed ten thousand dollars and be subject further to the revocation or suspension of insurance licenses issued by the commissioner.

[1993 c 462 § 58.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.111 Commencement of delinquency proceeding by commissioner--Jurisdiction of courts.

(1) Except as provided in *RCW 48.32A.060, no delinquency proceeding may be commenced under this chapter by anyone other than the commissioner of this state, and no court has jurisdiction to entertain a proceeding commenced by another person.

(2) No court of this state has jurisdiction to entertain a complaint praying for the dissolution, liquidation, rehabilitation, sequestration, conservation, or receivership of an insurer, or praying for an injunction or restraining order or other relief preliminary to, incidental to, or relating to the proceedings, other than in accordance with this chapter.

(3) In addition to other grounds for jurisdiction provided by the law of this state, a court of this state having jurisdiction of the subject matter has jurisdiction over a person served under the rules of civil procedure or other applicable provisions of law in an action brought by the receiver of a domestic insurer or an alien insurer domiciled in this state:

(a) If the person served is an agent, broker, or other person who has written policies of insurance for or has acted in any manner on behalf of an insurer against which a delinquency proceeding has been instituted, in an action resulting from or incident to such a relationship with the insurer; or

(b) If the person served is a reinsurer who has entered into a contract of reinsurance with an insurer against which a delinquency proceeding has been instituted, or is an agent or broker of or for the reinsurer, in an action on or incident to the reinsurance contract; or

(c) If the person served is or has been an officer, director, manager, trustee, organizer, promoter, or other person in a position of comparable authority or influence over an insurer against which a delinquency proceeding has been instituted, in an action resulting from or incident to such a relationship with the insurer; or

(d) If the person served is or was at the time of the institution of the delinquency proceeding against the insurer holding assets in which the receiver claims an interest on behalf of the insurer, in an action concerning the assets; or

(e) If the person served is obligated to the insurer in any way, in an action on or incident to the obligation.

(4) If the court on motion of a party finds that an action should as a matter of substantial justice be tried in a forum outside this state, the court may enter an appropriate order to stay further proceedings on the action in this state.

[1993 c 462 § 59.]

NOTES:

***Reviser's note:** RCW 48.32A.060 was repealed by 2001 c 50 § 23.

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.115 Immunity from suit and liability--Persons entitled to protection.

(1) The persons entitled to protection under this section are:

(a) The commissioner and any other receiver responsible for conducting a delinquency proceeding under this chapter, including present and former commissioners and receivers; and

(b) The commissioner's employees, meaning all present and former special deputies and assistant special deputies and special receivers appointed by the commissioner and all persons whom the commissioner, special deputies, or assistant special deputies have employed to assist in a delinquency proceeding under this chapter. Attorneys, accountants, auditors, and other professional persons or firms who are retained as independent contractors, and their employees, are not considered employees of the commissioner for purposes of this section.

(2) The commissioner and the commissioner's employees are immune from suit and liability, both personally and in their official capacities, for a claim for damage to or loss of property or personal injury or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment. However, nothing in this subsection may be construed to hold the commissioner or an employee immune from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the commissioner or an employee.

(3) If a legal action is commenced against the commissioner or an employee, whether against him or her personally or in his or her official capacity, alleging property damage, property loss, personal injury, or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment, the commissioner and any employee shall be indemnified from the assets of the insurer for all expenses, attorneys' fees, judgments, settlements, decrees, or amounts due and owing or paid in satisfaction of or incurred in the defense of the legal action unless it is

determined upon a final adjudication on the merits that the alleged act or omission of the commissioner or employee giving rise to the claim did not arise out of or by reason of his or her duties or employment, or was caused by intentional or willful and wanton misconduct.

(a) Attorneys' fees and related expenses incurred in defending a legal action for which immunity or indemnity is available under this section shall be paid from the assets of the insurer, as they are incurred, in advance of the final disposition of such action upon receipt of an undertaking by or on behalf of the commissioner or employee to repay the attorneys' fees and expenses if it is ultimately determined upon a final adjudication on the merits and that the commissioner or employee is not entitled to immunity or indemnity under this section.

(b) Any indemnification under this section is an administrative expense of the insurer.

(c) In the event of an actual or threatened litigation against the commissioner or an employee for which immunity or indemnity may be available under this section, a reasonable amount of funds that in the judgment of the commissioner may be needed to provide immunity or indemnity shall be segregated and reserved from the assets of the insurer as security for the payment of indemnity until all applicable statutes of limitation have run or all actual or threatened actions against the commissioner or an employee have been completely and finally resolved, and all obligations of the insurer and the commissioner under this section have been satisfied.

(d) In lieu of segregation and reserving of funds, the commissioner may obtain a surety bond or make other arrangements that will enable the commissioner to secure fully the payment of all obligations under this section.

(4) If a legal action against an employee for which indemnity may be available under this section is settled before final adjudication on the merits, the insurer shall pay the settlement amount on behalf of the employee, or indemnify the employee for the settlement amount, unless the commissioner determines:

(a) That the claim did not arise out of or by reason of the employee's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the employee.

(5) In a legal action in which the commissioner is a defendant, that portion of a settlement relating to the alleged act or omission of the commissioner is subject to the approval of the court before which the delinquency proceeding is pending. The court may not approve that portion of the settlement if it determines:

(a) That the claim did not arise out of or by reason of the commissioner's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the commissioner.

(6) Nothing in this section removes or limits an immunity, indemnity, benefit of law, right, or defense otherwise available to the commissioner, an employee, or any other person, not an employee under subsection (1)(b) of this section, who is employed by or in the office of the commissioner or otherwise employed by the state.

(7)(a) Subsection (2) of this section applies to any suit based in whole or in part on an

alleged act or omission that takes place on or after July 25, 1993.

(b) No legal action lies against the commissioner or an employee based in whole or in part on an alleged act or omission that took place before July 25, 1993, unless suit is filed and valid service of process is obtained within twelve months after July 25, 1993.

(c) Subsections (3), (4), and (5) of this section apply to a suit that is pending on or filed after July 25, 1993, without regard to when the alleged act or omission took place.

[1993 c 462 § 60.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.121 Court order for a formal delinquency proceeding--Commissioner may petition--Insurer may petition for hearing and review.

(1) The commissioner may petition the court alleging, with respect to a domestic insurer:

(a) That there exists a ground that would justify a court order for a formal delinquency proceeding against an insurer under this chapter;

(b) That the interests of policyholders, creditors, or the public will be endangered by delay; and

(c) The contents of an order deemed necessary by the commissioner.

(2) Upon a filing under subsection (1) of this section, the court may issue forthwith, ex parte and without a hearing, the requested order that shall: Direct the commissioner to take possession and control of all or a part of the property, books, accounts, documents, and other records of an insurer, and of the premises occupied by it for transaction of its business; and until further order of the court enjoin the insurer and its officers, managers, agents, and employees from disposition of its property and from the transaction of its business except with the written consent of the commissioner.

(3) The court shall specify in the order what the order's duration shall be, which shall be such time as the court deems necessary for the commissioner to ascertain the condition of the insurer. On motion of either party or on its own motion, the court may from time to time hold hearings it deems desirable after such notice as it deems appropriate, and may extend, shorten, or modify the terms of the seizure order. The court shall vacate the seizure order if the commissioner fails to commence a formal proceeding under this chapter after having had a reasonable opportunity to do so. An order of the court pursuant to a formal proceeding under this chapter vacates the seizure order.

(4) Entry of a seizure order under this section does not constitute an anticipatory breach of a contract of the insurer.

(5) An insurer subject to an ex parte order under this section may petition the court at any time after the issuance of an order under this section for a hearing and review of the order. The court shall hold the hearing and review not more than fifteen days after the request. A hearing under this subsection may be held privately in chambers, and it must be so held if the insurer proceeded against so requests.

(6) If, at any time after the issuance of an order under this section, it appears to the court that a person whose interest is or will be substantially affected by the order did not appear at the hearing and has not been served, the court may order that notice be given. An order that notice be given does not stay the effect of an order previously issued by the court.

[1993 c 462 § 61.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.125 Order of liquidation--Termination of coverage.

(1) All policies, including bonds and other noncancellable business, other than life or health insurance or annuities, in effect at the time of issuance of an order of liquidation continue in force only until the earliest of:

- (a) The end of a period of thirty days from the date of entry of the liquidation order;
- (b) The expiration of the policy coverage;
- (c) The date when the insured has replaced the insurance coverage with equivalent insurance in another insurer or otherwise terminated the policy;
- (d) The liquidator has effected a transfer of the policy obligation; or
- (e) The date proposed by the liquidator and approved by the court to cancel coverage.

(2) An order of liquidation terminates coverages at the time specified in subsection (1) of this section for purposes of any other statute.

(3) Policies of life or health insurance or annuities shall continue in force for the period and under the terms provided by an applicable guaranty association or foreign guaranty association.

(4) Policies of life or health insurance or annuities or a period or coverage of the policies not covered by a guaranty association or foreign guaranty association shall terminate under subsections (1) and (2) of this section.

[1993 c 462 § 62.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.131 Appointment of liquidator--Actions at law or equity--Statute of limitations or defense of laches.

(1) Upon issuance of an order appointing a liquidator of a domestic insurer or of an alien insurer domiciled in this state, an action at law or equity or in arbitration may not be brought against the insurer or liquidator, whether in this state or elsewhere, nor may such an existing action be maintained or further presented after issuance of the order. The courts of this state shall give full faith and credit to injunctions against the liquidator or the company when the injunctions are included in an order to liquidate an insurer issued under laws in other states corresponding to this subsection. Whenever, in the liquidator's judgment, protection of the estate

of the insurer necessitates intervention in an action against the insurer that is pending outside this state, the liquidator may intervene in the action. The liquidator may defend an action in which he or she intervenes under this section at the expense of the estate of the insurer.

(2) The liquidator may, upon or after an order for liquidation, within two years or such other longer time as applicable law may permit, institute an action or proceeding on behalf of the estate of the insurer upon a cause of action against which the period of limitation fixed by applicable law has not expired at the time of the filing of the petition upon which the order is entered. Where, by an agreement, a period of limitation is fixed for instituting a suit or proceeding upon a claim, or for filing a claim, proof of claim, proof of loss, demand, notice, or the like, or where in a proceeding, judicial or otherwise, a period of limitation is fixed, either in the proceeding or by applicable law, for taking an action, filing a claim or pleading, or doing an act, and where in such a case the period had not expired at the date of the filing of the petition, the liquidator may, for the benefit of the estate, take such an action or do such an act, required of or permitted to the insurer, within a period of one hundred eighty days after the entry of an order for liquidation, or within such further period as is shown to the satisfaction of the court not to be unfairly prejudicial to the other party.

(3) A statute of limitation or defense of laches does not run with respect to an action against an insurer between the filing of a petition for liquidation against an insurer and the denial of the petition. An action against the insurer that might have been commenced when the petition was filed may be commenced for at least sixty days after the petition is denied.

(4) A guaranty association or foreign guaranty association has standing to appear in a court proceeding concerning the liquidation of an insurer if the association is or may become liable to act as a result of the liquidation.

[1993 c 462 § 63.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.135 Recovery from reinsurers--Not reduced by delinquency proceedings--Direct payment to insured.

The amount recoverable by the commissioner from reinsurers may not be reduced as a result of the delinquency proceedings, regardless of any provision in the reinsurance contract or other agreement except as provided in RCW 48.31.290. Payment made directly to an insured or other creditor does not diminish the reinsurer's obligation to the insurer's estate except when the reinsurance contract provided for direct coverage of a named insured and the payment was made in discharge of that obligation.

[1993 c 462 § 64.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.141 Responsibility for payment of a premium--Earned or unearned premium--Violations--Penalties--Rights of party aggrieved.

(1)(a) An agent, broker, premium finance company, or any other person, other than the policy owner or the insured, responsible for the payment of a premium is obligated to pay any unpaid premium for the full policy term due the insurer at the time of the declaration of insolvency, whether earned or unearned, as shown on the records of the insurer. The liquidator also has the right to recover from the person a part of an unearned premium that represents commission of the person. Credits or setoffs or both may not be allowed to an agent, broker, or premium finance company for amounts advanced to the insurer by the agent, broker, or premium finance company on behalf of, but in the absence of a payment by, the policy owner or the insured.

(b) Notwithstanding (a) of this subsection, the agent, broker, premium finance company, or other person is not liable for uncollected unearned premium of the insurer. A presumption exists that the premium as shown on the books of the insurer is collected, and the burden is upon the agent, broker, premium finance company, or other person to demonstrate by a preponderance of the evidence that the unearned premium was not actually collected. For purposes of this subsection, "unearned premium" means that portion of an insurance premium covering the unexpired term of the policy or the unexpired period of the policy period.

(c) An insured is obligated to pay any unpaid earned premium due the insurer at the time of the declaration of insolvency, as shown on the records of the insurer.

(2) Upon a violation of this section, the commissioner may pursue either one or both of the following courses of action:

- (a) Suspend or revoke or refuse to renew the licenses of the offending party or parties;
- (b) Impose a penalty of not more than one thousand dollars for each violation.

(3) Before the commissioner may take an action as set forth in subsection (2) of this section, he or she shall give written notice to the person accused of violating the law, stating specifically the nature of the alleged violation, and fixing a time and place, at least ten days thereafter, when a hearing on the matter shall be held. After the hearing, or upon failure of the accused to appear at the hearing, the commissioner, if he or she finds a violation, shall impose those penalties under subsection (2) of this section that he or she deems advisable.

(4) When the commissioner takes action in any or all of the ways set out in subsection (2) of this section, the party aggrieved has the rights granted under the Administrative Procedure Act, chapter 34.05 RCW.

[1993 c 462 § 65.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.145 Liquidator denies claim--Written notice--Objections of claimant--Court hearing.

(1) When the liquidator denies a claim in whole or in part, the liquidator shall give

written notice of the determination to the claimant or the claimant's attorney by first class mail at the address shown in the proof of claim. Within sixty days from the mailing of the notice, the claimant may file his or her objections with the liquidator. If no such a filing is made, the claimant may not further object to the determination.

(2) Whenever the claimant files objections with the liquidator and the liquidator does not alter his or her denial of the claim as a result of the objections, the liquidator shall ask the court for a hearing as soon as practicable and give notice of the hearing by first class mail to the claimant or the claimant's attorney and to other persons directly affected, not less than ten nor more than thirty days before the date of the hearing. The matter may be heard by the court or by a court-appointed referee who shall submit findings of fact along with his or her recommendation.

[1993 c 462 § 66.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.151 Creditor's claim against insurer is secured by other person--Subrogated rights--Agreements concerning distributions.

Whenever a creditor whose claim against an insurer is secured, in whole or in part, by the undertaking of another person, fails to prove and file that claim, the other person may do so in the creditor's name, and is subrogated to the rights of the creditor, whether the claim has been filed by the creditor or by the other person in the creditor's name, to the extent that he or she discharges the undertaking. In the absence of an agreement with the creditor to the contrary, the other person is not entitled to a distribution until the amount paid to the creditor on the undertaking plus the distributions paid on the claim from the insurer's estate to the creditor equals the amount of the entire claim of the creditor. The creditor shall hold any excess received by him or her in trust for the other person. The term "other person" as used in this section does not apply to a guaranty association or foreign guaranty association.

[1993 c 462 § 67.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.155 Unclaimed funds--Liquidator's application for discharge--Duties of state treasurer.

Unclaimed funds subject to distribution remaining in the liquidator's hands when he or she is ready to apply to the court for discharge, including the amount distributable to a person who is unknown or cannot be found, shall be deposited with the state treasurer, and shall be paid without interest to the person entitled to them or his or her legal representative upon proof satisfactory to the state treasurer of his or her right to them. An amount on deposit not claimed within six years from the discharge of the liquidator is deemed to have been abandoned and shall

be escheated without formal escheat proceedings and be deposited with the state treasurer.

[1993 c 462 § 68.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.161 After termination of liquidation proceeding--Good cause to reopen proceedings.

After the liquidation proceeding has been terminated and the liquidator discharged, the commissioner or other interested party may at any time petition the court to reopen the proceedings for good cause, including the discovery of additional assets. If the court is satisfied that there is justification for reopening, it shall so order.

[1993 c 462 § 69.]

Notes:

Severability--Implementation--1993 c 462: See note following RCW 48.31B.901 and 48.31B.902.

RCW 48.31.165 Domiciliary receiver not appointed--Court order to liquidate--Notice--Domiciliary receiver appointed in other state.

(1) If no domiciliary receiver has been appointed, the commissioner may apply to the court for an order directing him or her to liquidate the assets found in this state of a foreign insurer or an alien insurer not domiciled in this state, on any of the grounds stated in: RCW 48.31.030, except subsection (10) of that section; 48.31.050(2); or 48.31.080.

(2) When an order is sought under subsection (1) of this section, the court shall cause the insurer to be given thirty days' notice and time to respond, or a lesser period reasonable under the circumstances.

(3) If it appears to the court that the best interests of creditors, policyholders, and the public require, the court may issue an order to liquidate in whatever terms it deems appropriate. The filing or recording of the order with the recorder of deeds of the county in which the principal business of the company in this state is located or the county in which its principal office or place of business in this state is located, imparts the same notice as a deed or other evidence of title duly filed or recorded with that recorder of deeds would have imparted.

(4) If a domiciliary liquidator is appointed in a reciprocal state while a liquidation is proceeding under this section, the liquidator under this section shall thereafter act as ancillary receiver under RCW 48.99.030. If a domiciliary liquidator is appointed in a nonreciprocal state while a liquidation is proceeding under this section, the liquidator under this section may petition the court for permission to act as ancillary receiver under RCW 48.99.030.

(5) On the same grounds as are specified in subsection (1) of this section, the commissioner may petition an appropriate federal court to be appointed receiver to liquidate that portion of the insurer's assets and business over which the court will exercise jurisdiction, or any lesser part thereof that the commissioner deems desirable for the protection of policyholders,

creditors, and the public in this state.

(6) The court may order the commissioner, when he or she has liquidated the assets of a foreign or alien insurer under this section, to pay claims of residents of this state against the insurer under those rules on the liquidation of insurers under this chapter that are otherwise compatible with this section.

[1993 c 462 § 70.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.171 Domiciliary liquidator--Reciprocal state--Nonreciprocal state--Commissioner's duties.

(1) Except as to special deposits and security on secured claims under RCW 48.99.030(2), the domiciliary liquidator of an insurer domiciled in a reciprocal state is vested by operation of law with the title to all of the assets, property, contracts, and rights of action, agents' balances, and all the books, accounts, and other records of the insurer located in this state. The date of vesting is the date of the filing of the petition, if that date is specified by the domiciliary law for the vesting of property in the domiciliary state. Otherwise, the date of vesting is the date of entry of the order directing possession to be taken. The domiciliary liquidator has the immediate right to recover balances due from agents and to obtain possession of the books, accounts, and other records of the insurer located in this state. The domiciliary liquidator also has the right to recover all other assets of the insurer located in this state, subject to RCW 48.99.030.

(2) If a domiciliary liquidator is appointed for an insurer not domiciled in a reciprocal state, the commissioner of this state is vested by operation of law with the title to all of the property, contracts, and rights of action, and all the books, accounts, and other records of the insurer located in this state, at the same time that the domiciliary liquidator is vested with title in the domicile. The commissioner of this state may petition for a conservation or liquidation order under RCW 48.31.100 or 48.99.030, or for an ancillary receivership under RCW 48.99.030, or after approval by the court may transfer title to the domiciliary liquidator, as the interests of justice and the equitable distribution of the assets require.

(3) Claimants residing in this state may file claims with the liquidator or ancillary receiver, if any, in this state or with the domiciliary liquidator, if the domiciliary law permits. The claims must be filed on or before the last date fixed for the filing of claims in the domiciliary liquidation proceedings.

[1993 c 462 § 71.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.175 Foreign or alien insurer--Property located in this

state--Commissioner's discretion.

The commissioner in his or her sole discretion may institute proceedings under RCW 48.31.121 at the request of the commissioner or other appropriate insurance official of the domiciliary state of a foreign or alien insurer having property located in this state.

[1993 c 462 § 72.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.181 Liquidation proceedings--One or more reciprocal states--Distributions--Special deposit claims--Secured claims.

(1) In a liquidation proceeding in this state involving one or more reciprocal states, the order of distribution of the domiciliary state controls as to claims of residents of this and reciprocal states. Claims of residents of reciprocal states shall be given equal priority of payment from general assets regardless of where the assets are located.

(2) The owners of special deposit claims against an insurer for which a liquidator is appointed in this or any other state shall be given priority against the special deposits in accordance with the statutes governing the creation and maintenance of the deposits. If there is a deficiency in a deposit, so that the claims secured by it are not fully discharged from it, the claimants may share in the general assets, but the sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from the special deposit.

(3) The owner of a secured claim against an insurer for which a liquidator has been appointed in this or another state may surrender his or her security and file his or her claim as a general creditor, or the claim may be discharged by resort to the security, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors.

[1993 c 462 § 73.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.184 Ancillary receiver in another state or foreign country--Failure to transfer assets.

If an ancillary receiver in another state or foreign country, whether called by that name or not, fails to transfer to the domiciliary liquidator in this state assets within his or her control other than special deposits, diminished only by the expenses of the ancillary receivership, if any, then the claims filed in the ancillary receivership, other than special deposit claims or secured claims, shall be placed in the class of claims under *RCW 48.31.280(7).

[1993 c 462 § 74.]

NOTES:

***Reviser's note:** RCW 48.31.280 was amended by 2001 c 40 § 1 and subsection (7) became subsection (8).

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.185 Receiver's proposal to disperse assets upon liquidation--Application for approval--Contents of proposal--Notice of application.

(1) Within one hundred twenty days of a final determination of insolvency of an insurer and order of liquidation by a court of competent jurisdiction of this state, the receiver shall make application to the court for approval of a proposal to disperse assets out of such insurer's marshalled assets from time to time as such assets become available to the Washington Insurance Guaranty Association and the Washington Life and Disability Insurance Guaranty Association and to any entity or person performing a similar function in another state. (The Washington Insurance Guaranty Association and the Washington Life and Disability Insurance Guaranty Association and any entity or person performing a similar function in other states shall in this section be referred to collectively as the "associations".)

(2) Such proposal shall at least include provisions for:

(a) Reserving amounts for the payment of claims falling within the priorities established in *RCW 48.31.280 (2)(a), (b), and (c) as now or hereafter amended;

(b) Disbursement of the assets marshalled to date and subsequent disbursements of assets as they become available;

(c) Equitable allocation of disbursements to each of the associations entitled thereto;

(d) The securing by the receiver from each of the associations entitled to disbursements pursuant to this section an agreement to return to the receiver such assets previously disbursed as may be required to pay claims of secured creditors and claims falling within the priorities established in RCW 48.31.280 as now or hereafter amended in accordance with such priorities. No bond shall be required of any such association; and

(e) A full report to be made by the association to the receiver accounting for all assets so disbursed to the association, all disbursements made therefrom, any interest earned by the association on such assets, and any other matters as the court may direct.

(3) The receiver's proposal shall provide for disbursements to the associations in amounts estimated at least equal to the claim payments made or to be made thereby for which such associations could assert a claim against the receiver, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such claim payments made or to be made by the associations then disbursements shall be in the amount of available assets.

(4) The receiver's proposal shall, with respect to an insolvent insurer writing life insurance, disability insurance, or annuities, provide for disbursements of assets to the Washington Life and Disability Insurance Guaranty Association or to any other entity or organization reinsuring, assuming, or guaranteeing policies or contracts of insurance under the provisions of the Washington Life and Disability Insurance Guaranty Association Act.

(5) Notice of such application shall be given to the associations in and to the commissioners of insurance of each of the states. Any such notice shall be deemed to have been given when deposited in the United States certified mails, first class postage prepaid, at least thirty days prior to submission of such application to the court.

[1975-'76 2nd ex.s. c 109 § 10.]

Notes:

***Reviser's note:** RCW 48.31.280 was amended by 1993 c 462 § 83 which deleted subsection (2)(a), (b), and (c).

RCW 48.31.190 Commencement of proceeding--Venue--Effect of appellate review.

(1) Proceedings under this chapter involving a domestic insurer shall be commenced in the superior court for the county in which is located the insurer's home office or, at the election of the commissioner, in the superior court for Thurston county. Proceedings under this chapter involving other insurers shall be commenced in the superior court for Thurston county.

(2) The commissioner shall commence any such proceeding, the attorney general representing him, by an application to the court or to any judge thereof, for an order directing the insurer to show cause why the commissioner should not have the relief prayed for.

(3) Upon a showing of an emergency or threat of imminent loss to policyholders of the insurer the court may issue an ex parte order authorizing the commissioner immediately to take over the premises and assets of the insurer, the commissioner then to preserve the status quo, pending a hearing on the order to show cause, which shall be heard as soon as the court calendar permits in preference to other civil cases.

(4) In response to any order to show cause issued under this chapter the insurer shall have the burden of going forward with and producing evidence to show why the relief prayed for by the commissioner is not required.

(5) On the return of such order to show cause, and after a full hearing, the court shall either deny the relief sought in the application or grant the relief sought in the application together with such other relief as the nature of the case and the interest of policyholders, creditors, stockholders, members, subscribers, or the public may require.

(6) No appellate review of a superior court order, entered after a hearing, granting the commissioner's petition to rehabilitate an insurer or to carry out an insolvency proceeding under this chapter, shall stay the action of the commissioner in the discharge of his responsibilities under this chapter, pending a decision by the appellate court in the matter.

(7) In any proceeding under this chapter the commissioner and his deputies shall be responsible on their official bonds for the faithful performance of their duties. If the court deems it desirable for the protection of the assets, it may at any time require an additional bond from the commissioner or his deputies.

[1993 c 462 § 82; 1988 c 202 § 46; 1969 ex.s. c 241 § 13; 1967 c 150 § 31; 1947 c 79 § .31.19; Rem. Supp. 1947 § 45.31.19.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

Severability--1988 c 202: See note following RCW 2.24.050.

RCW 48.31.200 Injunctions.

(1) Upon application by the commissioner for such an order to show cause or at any time thereafter, the court may without notice issue an injunction restraining the insurer, its officers, directors, stockholders, members, subscribers, agents, and all other persons from the transaction of its business or the waste or disposition of its property until the further order of the court.

(2) The court may at any time during a proceeding under this chapter issue such other injunctions or orders as may be deemed necessary to prevent interference with the commissioner or the proceeding, or waste of the assets of the insurer, or the commencement or prosecution of any actions, or the obtaining of preferences, judgments, attachments or other liens, or the making of any levy against the insurer or against its assets or any part thereof.

[1947 c 79 § .31.20; Rem. Supp. 1947 § 45.31.20.]

RCW 48.31.210 Change of venue.

At any time after the commencement of a proceeding under this chapter the commissioner may apply to the court for an order changing the venue of, and removing the proceeding to Thurston county, or to any other county of this state in which he deems that such proceeding may be most economically and efficiently conducted.

[1947 c 79 § .31.21; Rem. Supp. 1947 § 45.31.21.]

RCW 48.31.220 Deposit of moneys collected.

The moneys collected by the commissioner in a proceeding under this chapter, shall be, from time to time, deposited in one or more state or national banks, savings banks, or trust companies, and in the case of the insolvency or voluntary or involuntary liquidation of any such depository which is an institution organized and supervised under the laws of this state, such deposits shall be entitled to priority of payment on an equality with any other priority given by the banking law of this state. The commissioner may in his discretion deposit such moneys or any part thereof in a national bank or trust company as a trust fund.

[1947 c 79 § .31.22; Rem. Supp. 1947 § 45.31.22.]

RCW 48.31.230 Exemption from filing fees.

The commissioner shall not be required to pay any fee to any public officer in this state for filing, recording, issuing a transcript or certificate, or authenticating any paper or instrument pertaining to the exercise by the commissioner of any of the powers or duties conferred upon him under this chapter, whether or not such paper or instrument be executed by the commissioner or his deputies, employees, or attorneys of record and whether or not it is connected with the commencement of an action or proceeding by or against the commissioner, or

with the subsequent conduct of such action or proceeding.

[1947 c 79 § .31.23; Rem. Supp. 1947 § 45.31.23.]

RCW 48.31.240 Borrowing on pledge of assets.

For the purpose of facilitating the rehabilitation, liquidation, conservation or dissolution of an insurer pursuant to this chapter the commissioner may, subject to the approval of the court, borrow money and execute, acknowledge and deliver notes or other evidences of indebtedness therefor and secure the repayment of the same by the mortgage, pledge, assignment, transfer in trust, or hypothecation of any or all of the property whether real, personal or mixed of such insurer, and the commissioner, subject to the approval of the court, shall have power to take any and all other action necessary and proper to consummate any such loans and to provide for the repayment thereof. The commissioner shall be under no obligation personally or in his official capacity as commissioner to repay any loan made pursuant to this section.

[1947 c 79 § .31.24; Rem. Supp. 1947 § 45.31.24.]

RCW 48.31.260 Liquidation--Date rights, liabilities fixed.

The rights and liabilities of the insurer and of its creditors, policyholders, stockholders, members, subscribers, and all other persons interested in its estate shall, unless otherwise directed by the court, be fixed as of the date on which the order directing the liquidation of the insurer is filed in the office of the clerk of the court which made the order, subject to the provisions of RCW 48.31.300 with respect to the rights of claimants holding contingent claims and RCW 48.31.280 with respect to the priority and order of distributions of claims.

[2001 c 40 § 2; 1947 c 79 § .31.26; Rem. Supp. 1947 § 45.31.26.]

NOTES:

Application--Severability--2001 c 40: See notes following RCW 48.31.280.

RCW 48.31.270 Voidable transfers.

(1) Any transfer of, or lien upon, the property of an insurer which is made or created within four months prior to the granting of an order to show cause under this chapter with the intent of giving to any creditor or of enabling him to obtain a greater percentage of his debt than any other creditor of the same class and which is accepted by such creditor having reasonable cause to believe that such a preference will occur, shall be voidable.

(2) Every director, officer, employee, stockholder, member, subscriber, and any other person acting on behalf of such insurer who shall be concerned in any such act or deed and every person receiving thereby any property of such insurer or the benefit thereof shall be personally liable therefor and shall be bound to account to the commissioner.

(3) The commissioner as liquidator, rehabilitator or conservator in any proceeding under this chapter, may avoid any transfer of, or lien upon the property of an insurer which any creditor, stockholder, subscriber or member of such insurer might have avoided and may recover

the property so transferred unless such person was a bona fide holder for value prior to the date of the granting of an order to show cause under this chapter. Such property or its value may be recovered from anyone who has received it except a bona fide holder for value as above specified.

[1947 c 79 § .31.27; Rem. Supp. 1947 § 45.31.27.]

RCW 48.31.280 Priority and order of distribution of claims.

The priority of distribution of claims from the insurer's estate is as follows: Every claim in a class must be paid in full or adequate funds retained for payment before the members of the next class receive any payment; no subclasses may be established within a class; and no claim by a shareholder, policyholder, or other creditor may circumvent the priority classes through the use of equitable remedies. The order of distribution of claims is:

(1) Class 1. The costs and expenses of administration during rehabilitation and liquidation, including but not limited to the following:

- (a) The actual and necessary costs of preserving or recovering the assets of the insurer;
- (b) Compensation for all authorized services rendered in the rehabilitation and liquidation;
- (c) Necessary filing fees;
- (d) The fees and mileage payable to witnesses;
- (e) Authorized reasonable attorneys' fees and other professional services rendered in the rehabilitation and liquidation;
- (f) The reasonable expenses of a guaranty association or foreign guaranty association for unallocated loss adjustment expenses.

(2) Class 2. Loss claims. For purposes of this section, loss claims are all claims under policies, including claims of the federal or a state or local government, for losses incurred, including third-party claims, and all claims of a guaranty association or foreign guaranty association. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values, are loss claims. That portion of any loss indemnification that is provided for by other benefits or advantages recovered by the claimant, is not included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment by an employer to an employee may be treated as a gratuity. Loss claims also include claims under nonassessable policies for unearned premium or other premium refunds.

(3) Class 3. Claims of the federal government, other than claims which are included as loss claims under subsection (2) of this section.

(4) Class 4. Reasonable compensation to employees for services performed to the extent that they do not exceed two months of monetary compensation and represent payment for services performed within one year before the filing of the petition for liquidation or, if rehabilitation preceded liquidation, within one year before the filing of the petition for rehabilitation; except, where there are no claims and no potential claims of the federal

government in the estate, in which case claims in this class shall have priority over claims in class 2 and below. Principal officers and directors are not entitled to the benefit of this priority except as otherwise approved by the liquidator and the court. This priority is in lieu of any other similar priority that may be authorized by law as to wages or compensation of employees.

(5) Class 5. Claims of general creditors including claims of ceding and assuming companies in their capacity as such.

(6) Class 6. Claims of any state or local government, except those under subsection (2) of this section. Claims, including those of any governmental body for a penalty or forfeiture, are allowed in this class only to the extent of the pecuniary loss sustained from the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims are postponed to the class of claims under subsection (9) of this section.

(7) Class 7. Claims filed late or any other claims other than claims under subsections (8) and (9) of this section.

(8) Class 8. Surplus or contribution notes, or similar obligations, and premium refunds on assessable policies. Payments to members of domestic mutual insurance companies are limited in accordance with law.

(9) Class 9. The claims of shareholders or other owners in their capacity as shareholders.

[2001 c 40 § 1; 1993 c 462 § 83; 1975-'76 2nd ex.s. c 109 § 1; 1947 c 79 § .31.28; Rem. Supp. 1947 § 45.31.28.]

NOTES:

Application--2001 c 40: "This act applies to and governs all claims filed in any proceeding to liquidate an insurer that is initiated on or after January 1, 2001." [2001 c 40 § 3.]

Severability--2001 c 40: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2001 c 40 § 4.]

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.290 Offsets.

(1) In all cases of mutual debts or mutual credits between the insurer and another person in connection with any action or proceeding under this chapter, such credits and debts shall be set off and the balance only shall be allowed or paid, except as provided in subsection (2) of this section.

(2) No offset shall be allowed in favor of any such person where (a) the obligation of the insurer to such person would not at the date of the entry of any liquidation order, or otherwise, as provided in RCW 48.31.260, entitle him to share as a claimant in the assets of the insurer, or (b) the obligation of the insurer to such person was purchased by or transferred to such person with a view of its being used as an offset, or (c) the obligation of such person is to pay an assessment levied against the members of a mutual insurer, or against the subscribers of a reciprocal insurer, or is to pay a balance upon a subscription to the capital stock of a stock insurer.

[1947 c 79 § .31.29; Rem. Supp. 1947 § 45.31.29.]

RCW 48.31.300 Allowance of contingent and other claims.

(1) No contingent claim shall share in a distribution of the assets of an insurer which has been adjudicated to be insolvent by an order made pursuant to RCW 48.31.310, except that such claims shall be considered, if properly presented, and may be allowed to share where:

(a) Such claim becomes absolute against the insurer on or before the last day fixed for filing of proofs of claim against the assets of such insurer, or

(b) There is a surplus and the liquidation is thereafter conducted upon the basis that such insurer is solvent.

(2) Where an insurer has been so adjudicated to be insolvent any person who has a cause of action against an insured of such insurer under a liability insurance policy issued by such insurer, shall have the right to file a claim in the liquidation proceeding, regardless of the fact that such claim may be contingent, and such claim may be allowed

(a) If it may be reasonably inferred from the proof presented upon such claim that such person would be able to obtain a judgment upon such cause of action against such insured; and

(b) If such person shall furnish suitable proof, unless the court for good cause shown shall otherwise direct, that no further valid claims against such insurer arising out of his or her cause of action other than those already presented can be made; and

(c) If the total liability of such insurer to all claimants arising out of the same act of its insured shall be no greater than its maximum liability would be were it not in liquidation.

No judgment against such an insured taken after the date of the entry of the liquidation order shall be considered in the liquidation proceedings as evidence of liability, or of the amount of damages, and no judgment against an insured taken by default, inquest or by collusion prior to the entry of the liquidation order shall be considered as conclusive evidence in the liquidation proceeding either of the liability of such insured to such person upon such cause of action or of the amount of damages to which such person is therein entitled.

(3) No claim of any secured claimant shall be allowed at a sum greater than the difference between the value of the claim without security and the value of the security itself as of the date of the entry of the order of liquidation or such other date set by the court for fixation of rights and liabilities as provided in RCW 48.31.260 unless the claimant shall surrender his or her security to the commissioner in which event the claim shall be allowed in the full amount for which it is valued.

(4) Whether or not the third party files a claim, the insured may file a claim on his or her own behalf in the liquidation.

(5) No claim may be presented under this section if it is or may be covered by a guaranty association or foreign guaranty association.

[1993 c 462 § 84; 1947 c 79 § .31.30; Rem. Supp. 1947 § 45.31.30.]

Notes:

Severability--Implementation--1993 c 462: See RCW 48.31B.901 and 48.31B.902.

RCW 48.31.310 Time to file claims.

(1) If upon the granting of an order of liquidation under this chapter or at any time thereafter during the liquidation proceeding, the insurer shall not be clearly solvent, the court shall after such notice and hearing as it deems proper, make an order declaring the insurer to be insolvent. Thereupon, regardless of any prior notice which may have been given to creditors, the commissioner shall notify all persons who may have claims against such insurer and who have not filed proper proofs thereof, to present the same to him, at a place specified in such notice, within four months from the date of the entry of such order, or if the commissioner shall certify that it is necessary, within such longer time as the court shall prescribe. The last day for the filing of proofs of claim shall be specified in the notice. Such notice shall be given in a manner determined by the court.

(2) Proofs of claim may be filed subsequent to the date specified, but no such claim shall share in the distribution of the assets until all allowed claims, proofs of which have been filed before said date, have been paid in full with interest.

[1947 c 79 § .31.31; Rem. Supp. 1947 § 45.31.31.]

RCW 48.31.320 Report for assessment.

Within three years from the date an order of rehabilitation or liquidation of a domestic mutual insurer or a domestic reciprocal insurer was filed in the office of the clerk of the court by which such order was made, the commissioner may make a report to the court setting forth

- (1) the reasonable value of the assets of the insurer;
- (2) the insurer's probable liabilities; and
- (3) the probable necessary assessment, if any, to pay all claims and expenses in full, including expenses of administration.

[1947 c 79 § .31.32; Rem. Supp. 1947 § 45.31.32.]

RCW 48.31.330 Levy of assessment.

(1) Upon the basis of the report provided for in RCW 48.31.320, including any amendments thereof, the court, ex parte, may levy one or more assessments against all members of such insurer who, as shown by the records of the insurer, were members (if a mutual insurer) or subscribers (if a reciprocal insurer) at any time within one year prior to the date of issuance of the order to show cause under RCW 48.31.190.

(2) Such assessment or assessments shall cover the excess of the probable liabilities over the reasonable value of the assets, together with the estimated cost of collection and percentage of uncollectibility thereof. The total of all assessments against any member or subscriber with respect to any policy, whether levied pursuant to this chapter or pursuant to any other provisions of this code, shall be for no greater amount than that specified in the policy or policies of the member or subscriber and as limited under this code; except that if the court finds that the policy was issued at a rate of premium below the minimum rate lawfully permitted for the risk insured, the court may determine the upper limit of such assessment upon the basis of such minimum rate.

(3) No assessment shall be levied against any member or subscriber with respect to any nonassessable policy issued in accordance with this code.

[1947 c 79 § .31.33; Rem. Supp. 1947 § 45.31.33.]

RCW 48.31.340 Order for payment of assessment.

After levy of assessment as provided in RCW 48.31.330, upon the filing of a further detailed report by the commissioner, the court shall issue an order directing each member (if a mutual insurer) or each subscriber (if a reciprocal insurer) if he shall not pay the amount assessed against him to the commissioner on or before a day to be specified in the order, to show cause why he should not be held liable to pay such assessment together with costs as set forth in RCW 48.31.360 and why the commissioner should not have judgment therefor.

[1947 c 79 § .31.34; Rem. Supp. 1947 § 45.31.34.]

RCW 48.31.350 Publication, transmittal of assessment order.

The commissioner shall cause a notice of such assessment order setting forth a brief summary of the contents of such order to be:

- (1) Published in such manner as shall be directed by the court; and
- (2) Enclosed in a sealed envelope, addressed and mailed postage prepaid to each member or subscriber liable thereunder at his last known address as it appears on the records of the insurer, at least twenty days before the return day of the order to show cause provided for in RCW 48.31.340.

[1947 c 79 § .31.35; Rem. Supp. 1947 § 45.31.35.]

RCW 48.31.360 Judgment upon the assessment.

(1) On the return day of the order to show cause provided for in RCW 48.31.340 if the member or subscriber does not appear and serve verified objections upon the commissioner, the court shall make an order adjudging that such member or subscriber is liable for the amount of the assessment against him together with ten dollars costs, and that the commissioner may have judgment against the member or subscriber therefor.

(2) If on such return day the member or subscriber shall appear and serve verified objections upon the commissioner there shall be a full hearing before the court or a referee to hear and determine, who, after such hearing, shall make an order either negating the liability of the member or subscriber to pay the assessment or affirming his liability to pay the whole or some part thereof together with twenty-five dollars costs and the necessary disbursements incurred at such hearing, and directing that the commissioner in the latter case may have judgment therefor.

(3) A judgment upon any such order shall have the same force and effect, and may be entered and docketed, and may be appealed from as if it were a judgment in an original action

brought in the court in which the proceeding is pending.

[1947 c 79 § .31.36; Rem. Supp. 1947 § 45.31.36.]

Chapter 48.31B RCW INSURER HOLDING COMPANY ACT

Sections

| | |
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| 48.31B.902 | Implementation--1993 c 462. |

RCW 48.31B.005 Definitions.

As used in this chapter, the following terms have the meanings set forth in this section, unless the context requires otherwise.

(1) An "affiliate" of, or person "affiliated" with, a specific person, is a person who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) The term "control," including the terms "controlling," "controlled by," and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement

services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control is presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in a manner similar to that provided by RCW 48.31B.025(11) that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(3) An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

(4) The term "insurer" has the same meaning as set forth in RCW 48.01.050; it does not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(5) A "person" is an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, a similar entity, or any combination of the foregoing acting in concert, but does not include a joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property.

(6) A "securityholder" of a specified person is one who owns a security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

(7) A "subsidiary" of a specified person is an affiliate controlled by that person directly or indirectly through one or more intermediaries.

(8) The term "voting security" includes a security convertible into or evidencing a right to acquire a voting security.

[1993 c 462 § 2.]

RCW 48.31B.010 Insurer ceases to control subsidiary--Disposal of investment.

If an insurer ceases to control a subsidiary, it shall dispose of any investment in the subsidiary within three years from the time of the cessation of control or within such further time as the commissioner may prescribe, unless at any time after the investment has been made, the investment meets the requirements for investment under any other section of this Title, and the insurer has notified the commissioner thereof.

[1993 c 462 § 3.]

RCW 48.31B.015 Control of insurer--Acquisition, merger, or exchange--Preacquisition notification--Jurisdiction of courts.

(1) No person other than the issuer may make a tender offer for or a request or invitation for tenders of, or enter into an agreement to exchange securities of, seek to acquire, or acquire, in the open market or otherwise, voting security of a domestic insurer if, after the consummation

thereof, the person would, directly or indirectly, or by conversion or by exercise of a right to acquire, be in control of the insurer. No person may enter into an agreement to merge with or otherwise to acquire control of a domestic insurer or person controlling a domestic insurer unless, at the time the offer, request, or invitation is made or the agreement is entered into, or before the acquisition of the securities if no offer or agreement is involved, the person has filed with the commissioner and has sent to the insurer, a statement containing the information required by this section and the offer, request, invitation, agreement, or acquisition has been approved by the commissioner as prescribed in this section.

For purposes of this section a domestic insurer includes a person controlling a domestic insurer unless the person, as determined by the commissioner, is either directly or through its affiliates primarily engaged in business other than the business of insurance. However, the person shall file a preacquisition notification with the commissioner containing the information set forth in RCW 48.31B.020(3)(a) sixty days before the proposed effective date of the acquisition. Persons who fail to file the required preacquisition notification with the commissioner are subject to the penalties in RCW 48.31B.020(5)(c). For the purposes of this section, "person" does not include a securities broker holding, in usual and customary broker's function, less than twenty percent of the voting securities of an insurance company or of a person who controls an insurance company.

(2) The statement to be filed with the commissioner under this section must be made under oath or affirmation and must contain the following information:

(a) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection (1) of this section is to be effected, hereinafter called "acquiring party," and:

(i) If that person is an individual, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years;

(ii) If that person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as the person and any predecessors have been in existence; an informative description of the business intended to be done by the person's subsidiaries; any convictions of crimes during the past ten years; and a list of all individuals who are or who have been selected to become directors or executive officers of the person, or who perform or will perform functions appropriate to those positions. The list must include for each such individual the information required by (a)(i) of this subsection.

(b) The source, nature, and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction in which funds were or are to be obtained for any such purpose, including a pledge of the insurer's stock, or the stock of any of its subsidiaries or controlling affiliates, and the identity of persons furnishing the consideration. However, where a source of the consideration is a loan made in the lender's ordinary course of business, the identity of the lender must remain confidential if the person filing the statement so requests.

(c) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each acquiring party, or for such lesser

period as the acquiring party and any predecessors have been in existence, and similar unaudited information as of a date not earlier than ninety days before the filing of the statement.

(d) Any plans or proposals that each acquiring party may have to liquidate the insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

(e) The number of shares of any security referred to in subsection (1) of this section that each acquiring party proposes to acquire, the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section, and a statement as to the method by which the fairness of the proposal was arrived at.

(f) The amount of each class of any security referred to in subsection (1) of this section that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

(g) A full description of any contracts, arrangements, or understandings with respect to any security referred to in subsection (1) of this section in which an acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. The description must identify the persons with whom the contracts, arrangements, or understandings have been entered into.

(h) A description of the purchase of any security referred to in subsection (1) of this section during the twelve calendar months before the filing of the statement, by an acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid for the security.

(i) A description of any recommendations to purchase any security referred to in subsection (1) of this section made during the twelve calendar months before the filing of the statement, by an acquiring party, or by anyone based upon interviews or at the suggestion of the acquiring party.

(j) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection (1) of this section, and, if distributed, of additional soliciting material relating to the securities.

(k) The term of an agreement, contract, or understanding made with or proposed to be made with a broker-dealer as to solicitation or securities referred to in subsection (1) of this section for tender, and the amount of fees, commissions, or other compensation to be paid to broker-dealers with regard to the securities.

(l) Such additional information as the commissioner may prescribe by rule as necessary or appropriate for the protection of policyholders of the insurer or in the public interest.

If the person required to file the statement referred to in subsection (1) of this section is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information called for by (a) through (l) of this subsection shall be given with respect to each partner of the partnership or limited partnership, each member of the syndicate or group, and each person who controls a partner or member. If a partner, member, or person is a corporation, or the person required to file the statement referred to in subsection (1) of this section is a

corporation, the commissioner may require that the information called for by (a) through (l) of this subsection shall be given with respect to the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of the corporation.

If a material change occurs in the facts set forth in the statement filed with the commissioner and sent to the insurer under this section, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, must be filed with the commissioner and sent to the insurer within two business days after the person learns of the change.

(3) If an offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (1) of this section may use those documents in furnishing the information called for by that statement.

(4)(a) The commissioner shall approve a merger or other acquisition of control referred to in subsection (1) of this section unless, after a public hearing thereon, he or she finds that:

(i) After the change of control, the domestic insurer referred to in subsection (1) of this section would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly therein. In applying the competitive standard in (a)(ii) of this subsection:

(A) The informational requirements of RCW 48.31B.020(3)(a) and the standards of RCW 48.31B.020(4)(b) apply;

(B) The commissioner may not disapprove the merger or other acquisition if the commissioner finds that any of the situations meeting the criteria provided by RCW 48.31B.020(4)(c) exist; and

(C) The commissioner may condition the approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time;

(iii) The financial condition of an acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;

(iv) The plans or proposals that the acquiring party has to liquidate the insurer, sell its assets, consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest;

(v) The competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

(vi) The acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

(b) The commissioner shall approve an exchange or other acquisition of control referred

to in this section within sixty days after he or she declares the statement filed under this section to be complete and after holding a public hearing. At the hearing, the person filing the statement, the insurer, and any person whose significant interest is determined by the commissioner to be affected may present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith may conduct discovery proceedings in the same manner as is allowed in the superior court of this state. All discovery proceedings must be concluded not later than three days before the commencement of the public hearing.

(c) The commissioner may retain at the acquiring person's expense any attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing the proposed acquisition of control. All reasonable costs of a hearing held under this section, as determined by the commissioner, including costs associated with the commissioner's use of investigatory, professional, and other necessary personnel, mailing of required notices and other information, and use of equipment or facilities, must be paid before issuance of the commissioner's order by the acquiring person.

(5) This section does not apply to:

(a) A transaction that is subject to RCW 48.31.010, dealing with the merger or consolidation of two or more insurers;

(b) An offer, request, invitation, agreement, or acquisition that the commissioner by order has exempted from this section as: (i) Not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (ii) otherwise not comprehended within the purposes of this section.

(6) The following are violations of this section:

(a) The failure to file a statement, amendment, or other material required to be filed under subsection (1) or (2) of this section; or

(b) The effectuation or an attempt to effectuate an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given approval thereto.

(7) The courts of this state have jurisdiction over every person not resident, domiciled, or authorized to do business in this state who files a statement with the commissioner under this section, and over all actions involving that person arising out of violations of this section, and each such person is deemed to have performed acts equivalent to and constituting an appointment by that person of the commissioner to be the person's true and lawful attorney upon whom may be served all lawful process in an action, suit, or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at the person's last known address.

[1993 c 462 § 4.]

RCW 48.31B.020 Acquisition of insurer--Change in control--Definitions--Exemptions--Competition--Preacquisition notification--Violations--Penalties.

(1) The definitions in this subsection apply only for the purposes of this section.

(a) "Acquisition" means an agreement, arrangement, or activity, the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes but is not limited to the acquisition of voting securities, the acquisition of assets, bulk reinsurance, and mergers.

(b) An "involved insurer" includes an insurer which either acquires or is acquired, is affiliated with an acquirer or acquired, or is the result of a merger.

(2)(a) Except as exempted in (b) of this subsection, this section applies to any acquisition in which there is a change in control of an insurer authorized to do business in this state.

(b) This section does not apply to the following:

(i) An acquisition subject to approval or disapproval by the commissioner under RCW 48.31B.015;

(ii) A purchase of securities solely for investment purposes so long as the securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in any insurance market in this state. If a purchase of securities results in a presumption of control under RCW 48.31B.005(2), it is not solely for investment purposes unless the commissioner of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and the disclaimer action or affirmative finding is communicated by the domiciliary commissioner to the commissioner of this state;

(iii) The acquisition of a person by another person when neither person is directly nor through affiliates primarily engaged in the business of insurance, if preacquisition notification is filed with the commissioner in accordance with subsection (3)(a) of this section sixty days before the proposed effective date of the acquisition. However, preacquisition notification is not required for exclusion from this section if the acquisition would otherwise be excluded from this section by this subsection (2)(b);

(iv) The acquisition of already affiliated persons;

(v) An acquisition if, as an immediate result of the acquisition:

(A) In no market would the combined market share of the involved insurers exceed five percent of the total market;

(B) There would be no increase in any market share; or

(C) In no market would:

(I) The combined market share of the involved insurers exceed twelve percent of the total market; and

(II) The market share increase by more than two percent of the total market.

For the purpose of (b)(v) of this subsection, a "market" means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state;

(vi) An acquisition for which a preacquisition notification would be required under this section due solely to the resulting effect on the ocean marine insurance line of business;

(vii) An acquisition of an insurer whose domiciliary commissioner affirmatively finds: That the insurer is in failing condition; there is a lack of feasible alternative to improving such condition; and the public benefits of improving the insurer's condition through the acquisition

exceed the public benefits that would arise from not lessening competition; and the findings are communicated by the domiciliary commissioner to the commissioner of this state.

(3) An acquisition covered by subsection (2) of this section may be subject to an order under subsection (5) of this section unless the acquiring person files a preacquisition notification and the waiting period has expired. The acquired person may file a preacquisition notification.

(a) The preacquisition notification must be in such form and contain such information as prescribed by the commissioner relating to those markets that, under subsection (2)(b)(v) of this section, cause the acquisition not to be exempted from this section. The commissioner may require such additional material and information as he or she deems necessary to determine whether the proposed acquisition, if consummated, would violate the competitive standard of subsection (4) of this section. The required information may include an opinion of an economist as to the competitive impact of the acquisition in this state accompanied by a summary of the education and experience of the person indicating his or her ability to render an informed opinion.

(b) The waiting period required begins on the date the commissioner declares the preacquisition notification to be complete and ends on the earlier of the sixtieth day after the date of the declaration or the termination of the waiting period by the commissioner. Before the end of the waiting period, the commissioner may require the submission of additional needed information relevant to the proposed acquisition. If additional information is required, the waiting period ends on the earlier of the sixtieth day after the commissioner declares he or she has received the additional information or the termination of the waiting period by the commissioner.

(4)(a) The commissioner may enter an order under subsection (5)(a) of this section with respect to an acquisition if there is substantial evidence that the effect of the acquisition may be substantially to lessen competition in a line of insurance in this state or tend to create a monopoly therein or if the insurer fails to file adequate information in compliance with subsection (3) of this section.

(b) In determining whether a proposed acquisition would violate the competitive standard of (a) of this subsection, the commissioner shall consider the following:

(i) An acquisition covered under subsection (2) of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standards:

(A) If the market is highly concentrated and the involved insurers possess the following shares of the market:

| Insurer A | Insurer B |
|-----------|----------------|
| 4% | 4% or more |
| 10% | 2% or more |
| 15% | 1% or more; or |

(B) If the market is not highly concentrated and the involved insurers possess the following shares of the market:

| Insurer A | Insurer B |
|-----------|------------|
| 5% | 5% or more |
| 10% | 4% or more |
| 15% | 3% or more |
| 19% | 1% or more |

A highly concentrated market is one in which the share of the four largest insurers is seventy-five percent or more of the market. Percentages not shown in the tables are interpolated proportionately to the percentages that are shown. If more than two insurers are involved, exceeding the total of the two columns in the table is prima facie evidence of violation of the competitive standard in (a) of this subsection. For the purpose of (b)(i) of this subsection, the insurer with the largest share of the market is Insurer A.

(ii) There is a significant trend toward increased concentration when the aggregate market share of a grouping of the largest insurers in the market, from the two largest to the eight largest, has increased by seven percent or more of the market over a period of time extending from a base year five to ten years before the acquisition up to the time of the acquisition. An acquisition or merger covered under subsection (2) of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standard in (a) of this subsection if:

(A) There is a significant trend toward increased concentration in the market;

(B) One of the insurers involved is one of the insurers in a grouping of such large insurers showing the requisite increase in the market share; and

(C) Another involved insurer's market is two percent or more.

(iii) For the purposes of (b) of this subsection:

(A) The term "insurer" includes a company or group of companies under common management, ownership, or control;

(B) The term "market" means the relevant product and geographical markets. In determining the relevant product and geographical markets, the commissioner shall give due consideration to, among other things, the definitions or guidelines, if any, adopted by the National Association of Insurance Commissioners and to information, if any, submitted by parties to the acquisition. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business, such line being that used in the annual statement required to be filed by insurers doing business in this state, and the relevant geographical market is assumed to be this state;

(C) The burden of showing prima facie evidence of violation of the competitive standard rests upon the commissioner.

(iv) Even though an acquisition is not prima facie violative of the competitive standard

under (b)(i) and (ii) of this subsection, the commissioner may establish the requisite anticompetitive effect based upon other substantial evidence. Even though an acquisition is prima facie violative of the competitive standard under (b)(i) and (ii) of this subsection, a party may establish the absence of the requisite anticompetitive effect based upon other substantial evidence. Relevant factors in making a determination under (b)(iv) of this subsection include, but are not limited to, the following: Market shares, volatility of ranking of market leaders, number of competitors, concentration, trend of concentration in the industry, and ease of entry and exit into the market.

(c) An order may not be entered under subsection (5)(a) of this section if:

(i) The acquisition will yield substantial economies of scale or economies in resource use that cannot be feasibly achieved in any other way, and the public benefits that would arise from the economies exceed the public benefits that would arise from not lessening competition; or

(ii) The acquisition will substantially increase the availability of insurance, and the public benefits of the increase exceed the public benefits that would arise from not lessening competition.

(5)(a)(i) If an acquisition violates the standards of this section, the commissioner may enter an order:

(A) Requiring an involved insurer to cease and desist from doing business in this state with respect to the line or lines of insurance involved in the violation; or

(B) Denying the application of an acquired or acquiring insurer for a license to do business in this state.

(ii) The commissioner may not enter the order unless: (A) There is a hearing; (B) notice of the hearing is issued before the end of the waiting period and not less than fifteen days before the hearing; and (C) the hearing is concluded and the order is issued no later than sixty days after the end of the waiting period. Every order must be accompanied by a written decision of the commissioner setting forth his or her findings of fact and conclusions of law.

(iii) An order entered under (a) of this subsection may not become final earlier than thirty days after it is issued, during which time the involved insurer may submit a plan to remedy the anticompetitive impact of the acquisition within a reasonable time. Based upon the plan or other information, the commissioner shall specify the conditions, if any, under the time period during which the aspects of the acquisition causing a violation of the standards of this section would be remedied and the order vacated or modified.

(iv) An order pursuant to (a) of this subsection does not apply if the acquisition is not consummated.

(b) A person who violates a cease and desist order of the commissioner under (a) of this subsection and while the order is in effect, may, after notice and hearing and upon order of the commissioner, be subject at the discretion of the commissioner to one or more of the following:

(i) A monetary penalty of not more than ten thousand dollars for every day of violation;
or

(ii) Suspension or revocation of the person's license; or

(iii) Both (b)(i) and (b)(ii) of this subsection.

(c) An insurer or other person who fails to make a filing required by this section and who

also fails to demonstrate a good faith effort to comply with the filing requirement, is subject to a civil penalty of not more than fifty thousand dollars.

(6) RCW 48.31B.045 (2) and (3) and 48.31B.050 do not apply to acquisitions covered under subsection (2) of this section.

[1993 c 462 § 5.]

RCW 48.31B.025 Registration with commissioner--Information required--Rule making--Disclaimer of affiliation--Failure to file.

(1) Every insurer authorized to do business in this state that is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in:

(a) This section;

(b) RCW 48.31B.030 (1)(a), (2), and (3); and

(c) Either RCW 48.31B.030(1)(b) or a provision such as the following: Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within fifteen days after the end of the month in which it learns of each change or addition.

An insurer subject to registration under this section shall register within fifteen days after it becomes subject to registration, and annually thereafter by May 15th of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within the extended time. The commissioner may require an insurer authorized to do business in the state that is a member of a holding company system, but that is not subject to registration under this section, to furnish a copy of the registration statement, the summary specified in subsection (3) of this section, or other information filed by the insurance company with the insurance regulatory authority of its domiciliary jurisdiction.

(2) An insurer subject to registration shall file the registration statement on a form prescribed by the commissioner, containing the following current information:

(a) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

(b) The identity and relationship of every member of the insurance holding company system;

(c) The following agreements in force, and transactions currently outstanding or that have occurred during the last calendar year between the insurer and its affiliates:

(i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchange of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate that result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

- (v) All management agreements, service contracts, and cost-sharing arrangements;
- (vi) Reinsurance agreements;
- (vii) Dividends and other distributions to shareholders; and
- (viii) Consolidated tax allocation agreements;

(d) Any pledge of the insurer's stock, including stock of subsidiary or controlling affiliate, for a loan made to a member of the insurance holding company system;

(e) Other matters concerning transactions between registered insurers and affiliates as may be included from time to time in registration forms adopted or approved by the commissioner.

(3) Registration statements must contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(4) No information need be disclosed on the registration statement filed under subsection (2) of this section if the information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of the 31st day of the previous December are not material for purposes of this section.

(5)(a) Subject to RCW 48.31B.030(2), each registered insurer shall report to the commissioner all dividends and other distributions to shareholders within five business days after their declaration and at least fifteen business days before payment, and shall provide the commissioner such other information as may be required by rule.

(b) If the commissioner determines that a registered insurer's surplus as regards policyholders is not reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the commissioner may order the registered insurance company to limit or discontinue the payment of stockholder dividends until such time as the surplus is adequate.

(6) A person within an insurance holding company system subject to registration shall provide complete and accurate information to an insurer, where the information is reasonably necessary to enable the insurer to comply with this chapter.

(7) The commissioner shall terminate the registration of an insurer that demonstrates that it no longer is a member of an insurance holding company system.

(8) The commissioner may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement.

(9) The commissioner may allow an insurer authorized to do business in this state and part of an insurance holding company system to register on behalf of an affiliated insurer that is required to register under subsection (1) of this section and to file all information and material required to be filed under this section.

(10) This section does not apply to an insurer, information, or transaction if and to the extent that the commissioner by rule or order exempts the insurer, information, or transaction from this section.

(11) A person may file with the commissioner a disclaimer of affiliation with an authorized insurer, or an insurer or a member of an insurance holding company system may file the disclaimer. The person making such a filing with the commissioner shall at the same time

deliver a complete copy of the filing to each domestic insurer which is the subject of such filing. The disclaimer must fully disclose all material relationships and bases for affiliation between the person and the insurer as well as the basis for disclaiming the affiliation. After a disclaimer has been filed, the insurer is relieved of any duty to register or report under this section that may arise out of the insurer's relationship with the person unless and until the commissioner disallows the disclaimer. The commissioner shall disallow the disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance.

(12) Failure to file a registration statement or a summary of the registration statement required by this section within the time specified for the filing is a violation of this section.

[2000 c 214 § 1; 1993 c 462 § 6.]

RCW 48.31B.030 Insurer subject to registration--Standards for transactions within a holding company system--Extraordinary dividends or distributions--Insurer's surplus.

(1)(a) Transactions within a holding company system to which an insurer subject to registration is a party are subject to the following standards:

- (i) The terms must be fair and reasonable;
- (ii) Charges or fees for services performed must be fair and reasonable;
- (iii) Expenses incurred and payment received must be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;
- (iv) The books, accounts, and records of each party to all such transactions must be so maintained as to clearly and accurately disclose the nature and details of the transactions, including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and
- (v) The insurer's surplus regarding policyholders after dividends or distributions to shareholders or affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) The following transactions involving a domestic insurer and a person in its holding company system may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into the transaction and the commissioner declares the notice to be sufficient at least sixty days before, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period:

(i) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments if the transactions are equal to or exceed: (A) With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders; (B) with respect to life insurers, three percent of the insurer's admitted assets; each as of the 31st day of the previous December;

(ii) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes the loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, an affiliate of the insurer making the

loans or extensions of credit if the transactions are equal to or exceed: (A) With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders; (B) with respect to life insurers, three percent of the insurer's admitted assets; each as of the 31st day of the previous December;

(iii) Reinsurance agreements or modifications to them in which the reinsurance premium or a change in the insurer's liabilities equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the 31st day of the previous December, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the insurer;

(iv) Management agreements, service contracts, and cost-sharing arrangements; and

(v) Material transactions, specified by rule, that the commissioner determines may adversely affect the interests of the insurer's policyholders.

Nothing contained in this section authorizes or permits a transaction that, in the case of an insurer not a member of the same holding company system, would be otherwise contrary to law.

(c) A domestic insurer may not enter into transactions that are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the commissioner determines that the separate transactions were entered into over a twelve-month period for that purpose, the commissioner may apply for an order as described in RCW 48.31B.045(1).

(d) The commissioner, in reviewing transactions under (b) of this subsection, shall consider whether the transactions comply with the standards set forth in (a) of this subsection and whether they may adversely affect the interests of policyholders.

(e) The commissioner shall be notified within thirty days of an investment of the domestic insurer in any one corporation if the total investment in the corporation by the insurance holding company system exceeds ten percent of the corporation's voting securities.

(2)(a) No domestic insurer may pay an extraordinary dividend or make any other extraordinary distribution to its shareholders until: (i) Thirty days after the commissioner declares that he or she has received sufficient notice of the declaration thereof and has not within that period disapproved the payment; or (ii) the commissioner has approved the payment within the thirty-day period.

(b) For purposes of this section, an extraordinary dividend or distribution is a dividend or distribution of cash or other property whose fair market value, together with that of other dividends or distributions made within the period of twelve consecutive months ending on the date on which the proposed dividend is scheduled for payment or distribution, exceeds the greater of: (i) Ten percent of the company's surplus as regards policyholders as of the 31st day of the previous December; or (ii) the net gain from operations of the company if the company is a life insurance company, or the net income if the company is not a life insurance company, for the twelve month period ending the 31st day of the previous December, but does not include pro rata distributions of any class of the company's own securities.

(c) Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution that is conditional upon the commissioner's approval. The declaration confers no rights upon shareholders until: (i) The commissioner has approved the payment of the dividend or distribution; or (ii) the commissioner has not disapproved the payment within the thirty-day period referred to in (a) of this subsection.

(3) For purposes of this chapter, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, may be considered:

(a) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(b) The extent to which the insurer's business is diversified among the several lines of insurance;

(c) The number and size of risks insured in each line of business;

(d) The extent of the geographical dispersion of the insurer's insured risks;

(e) The nature and extent of the insurer's reinsurance program;

(f) The quality, diversification, and liquidity of the insurer's investment portfolio;

(g) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(h) The surplus as regards policyholders maintained by other comparable insurers;

(i) The adequacy of the insurer's reserves;

(j) The quality and liquidity of investments in affiliates. The commissioner may discount any such investment or may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his or her judgment the investment so warrants; and

(k) The quality of the insurer's earnings and the extent to which the reported earnings include extraordinary items.

[1993 c 462 § 7.]

RCW 48.31B.035 Examination of insurers--Commissioner may order production of information--Failure to comply--Costs of examination.

(1) Subject to the limitation contained in this section and in addition to the powers that the commissioner has under chapter 48.03 RCW relating to the examination of insurers, the commissioner also may order an insurer registered under RCW 48.31B.025 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as are reasonably necessary to ascertain the financial condition of the insurer or to determine compliance with this title. If the insurer fails to comply with the order, the commissioner may examine the affiliates to obtain the information.

(2) The commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as are reasonably necessary to assist in the conduct of the examination under subsection (1) of this section. Persons so retained are under the direction and control of the commissioner and shall act

in a purely advisory capacity.

(3) Each registered insurer producing for examination records, books, and papers under subsection (1) of this section are liable for and shall pay the expense of the examination in accordance with RCW 48.03.060.

[1993 c 462 § 8.]

RCW 48.31B.040 Rule making.

The commissioner may, upon notice and opportunity for all interested persons to be heard, adopt rules and issue orders that are necessary to carry out this chapter.

[1993 c 462 § 9.]

RCW 48.31B.045 Violations of chapter--Commissioner may seek superior court order.

(1) Whenever it appears to the commissioner that an insurer or a director, officer, employee, or agent of the insurer has committed or is about to commit a violation of this chapter or any rule or order of the commissioner under this chapter, the commissioner may apply to the superior court for Thurston county or to the court for the county in which the principal office of the insurer is located for an order enjoining the insurer or the director, officer, employee, or agent from violating or continuing to violate this chapter or any such rule or order, and for such other equitable relief as the nature of the case and the interest of the insurer's policyholders, creditors, and shareholders or the public may require.

(2) No security that is the subject of an agreement or arrangement regarding acquisition, or that is acquired or to be acquired, in contravention of this chapter or of a rule or order of the commissioner under this chapter may be voted at a shareholders' meeting, or may be counted for quorum purposes. Any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though the securities were not issued and outstanding, but no action taken at any such meeting may be invalidated by the voting of the securities, unless the action would materially affect control of the insurer or unless the courts of this state have so ordered. If an insurer or the commissioner has reason to believe that a security of the insurer has been or is about to be acquired in contravention of this chapter or of a rule or order of the commissioner under this chapter, the insurer or the commissioner may apply to the superior court for Thurston county or to the court for the county in which the insurer has its principal place of business to enjoin an offer, request, invitation, agreement, or acquisition made in contravention of RCW 48.31B.015 or a rule or order of the commissioner under that section to enjoin the voting of a security so acquired, to void a vote of the security already cast at a meeting of shareholders, and for such other relief as the nature of the case and the interest of the insurer's policyholders, creditors, and shareholders or the public may require.

(3) If a person has acquired or is proposing to acquire voting securities in violation of this chapter or a rule or order of the commissioner under this chapter, the superior court for Thurston county or the court for the county in which the insurer has its principal place of business may, on such notice as the court deems appropriate, upon the application of the insurer or the

commissioner seize or sequester voting securities of the insurer owned directly or indirectly by the person, and issue such order with respect to the securities as may be appropriate to carry out this chapter.

Notwithstanding any other provisions of law, for the purposes of this chapter, the situs of the ownership of the securities of domestic insurers is in this state.

[1993 c 462 § 10.]

RCW 48.31B.050 Violations of chapter--Penalties--Civil forfeitures--Orders--Referral to prosecuting attorney--Imprisonment.

(1) The commissioner shall require, after notice and hearing, an insurer failing, without just cause, to file a registration statement as required in this chapter, to pay a penalty of not more than ten thousand dollars per day. The maximum penalty under this section is one million dollars. The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer. The commissioner shall pay a fine collected under this section to the state treasurer for the account of the general fund.

(2) Every director or officer of an insurance holding company system who knowingly violates this chapter, or participates in, or assents to, or who knowingly permits an officer or agent of the insurer to engage in transactions or make investments that have not been properly reported or submitted under RCW 48.31B.025(1) or 48.31B.030(1)(b) or (2), or that violate this chapter, shall pay, in their individual capacity, a civil forfeiture of not more than ten thousand dollars per violation, after notice and hearing before the commissioner. In determining the amount of the civil forfeiture, the commissioner shall take into account the appropriateness of the forfeiture with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

(3) Whenever it appears to the commissioner that an insurer subject to this chapter or a director, officer, employee, or agent of the insurer has engaged in a transaction or entered into a contract that is subject to RCW 48.31B.030 and that would not have been approved had approval been requested, the commissioner may order the insurer to cease and desist immediately any further activity under that transaction or contract. After notice and hearing the commissioner may also order the insurer to void any such contracts and restore the status quo if that action is in the best interest of the policyholders, creditors, or the public.

(4) Whenever it appears to the commissioner that an insurer or a director, officer, employee, or agent of the insurer has committed a willful violation of this chapter, the commissioner may refer the matter to the prosecuting attorney of Thurston county or the county in which the principal office of the insurer is located. An insurer that willfully violates this chapter may be fined not more than one million dollars. Any individual who willfully violates this chapter may be fined in his or her individual capacity not more than ten thousand dollars, or be imprisoned for not more than three years, or both.

(5) An officer, director, or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made a false statement or false

report or false filing with the intent to deceive the commissioner in the performance of his or her duties under this chapter, upon conviction thereof, shall be imprisoned for not more than three years or fined not more than ten thousand dollars or both. The officer, director, or employee upon whom the fine is imposed shall pay the fine in his or her individual capacity.

[1993 c 462 § 11.]

RCW 48.31B.055 Violations of chapter--Impairment of financial condition--Commissioner may take possession.

Whenever it appears to the commissioner that a person has committed a violation of this chapter that so impairs the financial condition of a domestic insurer as to threaten insolvency or make the further transaction of business by it hazardous to its policyholders, creditors, shareholders, or the public, the commissioner may proceed as provided in RCW 48.31.030 and 48.31.040 to take possession of the property of the domestic insurer and to conduct the business of the insurer.

[1993 c 462 § 12.]

RCW 48.31B.060 Order for liquidation or rehabilitation--Recovery of distributions or payments--Personal liability--Maximum amount recoverable.

(1) If an order for liquidation or rehabilitation of a domestic insurer has been entered, the receiver appointed under the order may recover on behalf of the insurer: (a) From a parent corporation or holding company or person or affiliate who otherwise controlled the insurer, the amount of distributions, other than distributions of shares of the same class of stock, paid by the insurer on its capital stock; or (b) a payment in the form of a bonus, termination settlement, or extraordinary lump sum salary adjustment made by the insurer or its subsidiary to a director, officer, or employee, where the distribution or payment under (a) or (b) of this subsection is made at any time during the one year before the petition for liquidation, conservation, or rehabilitation, as the case may be, subject to the limitations of subsections (2), (3), and (4) of this section.

(2) No such distribution is recoverable if it is shown that when paid, the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(3) A person who was a parent corporation or holding company or a person who otherwise controlled the insurer or affiliate when the distributions were paid is liable up to the amount of distributions or payments under subsection (1) of this section the person received. A person who controlled the insurer at the time the distributions were declared is liable up to the amount of distributions he or she would have received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they are jointly and severally liable.

(4) The maximum amount recoverable under this section is the amount needed in excess

of all other available assets of the impaired or insolvent insurer to pay the contractual obligations of the impaired or insolvent insurer and to reimburse any guaranty funds.

(5) To the extent that a person liable under subsection (3) of this section is insolvent or otherwise fails to pay claims due from it under those provisions, its parent corporation or holding company or person who otherwise controlled it at the time the distribution was paid, is jointly and severally liable for a resulting deficiency in the amount recovered from the parent corporation or holding company or person who otherwise controlled it.

[1993 c 462 § 13.]

RCW 48.31B.065 Violations of chapter--Contrary to interests of policyholders or the public--Suspension, revocation, or nonrenewal of license.

Whenever it appears to the commissioner that a person has committed a violation of this chapter that makes the continued operation of an insurer contrary to the interests of policyholders or the public, the commissioner may, after giving notice and an opportunity to be heard, determine to suspend, revoke, or refuse to renew the insurer's license or authority to do business in this state for such period as he or she finds is required for the protection of policyholders or the public. Such a determination must be accompanied by specific findings of fact and conclusions of law.

[1993 c 462 § 14.]

RCW 48.31B.070 Person aggrieved by actions of commissioner.

(1) A person aggrieved by an act, determination, rule, order, or any other action of the commissioner under this chapter may proceed in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(2) A person aggrieved by a failure of the commissioner to act or make a determination required by this chapter may petition the commissioner under the procedure described in RCW 34.05.330.

[1993 c 462 § 15.]

RCW 48.31B.900 Short title.

This chapter may be known and cited as the Insurer Holding Company Act.

[1993 c 462 § 1.]

RCW 48.31B.901 Severability--1993 c 462.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 c 462 § 112.]

RCW 48.31B.902 Implementation--1993 c 462.

The insurance commissioner may take such steps as are necessary to ensure that this act is implemented on July 25, 1993.

[1993 c 462 § 106.]

Chapter 48.31C RCW
HOLDING COMPANY ACT FOR HEALTH CARE SERVICE CONTRACTORS AND
HEALTH MAINTENANCE ORGANIZATIONS

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RCW 48.31C.010 Definitions.

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Acquisition" or "acquire" means an agreement, arrangement, or activity, the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes but is not limited to the acquisition of voting securities, all or substantially all of the assets, bulk reinsurance, consolidations, affiliations, and mergers.

(2) "Affiliate" of, or person "affiliated" with, a specific person, means a person who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(3) "Control," including the terms "controlling," "controlled by," and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person whether through the ownership of voting securities, voting rights, by contract other than a commercial contract for goods, nonmanagement services, a debt obligation which is not convertible into a right to acquire a voting security, or otherwise, unless the power is the result of an official position with or corporate office held by the person.

(a) For a for-profit person, control is presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact. A person may file with the commissioner a disclaimer of control of a health carrier. The disclaimer must fully disclose all material relationships and bases for affiliation between the person and the health carrier as well as the basis for disclaiming the control. After furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such a determination, the commissioner may:

(i) Allow a disclaimer; or

(ii) Disallow a disclaimer notwithstanding the absence of a presumption to that effect.

(b) For a nonprofit corporation organized under chapters 24.03 and 24.06 RCW, control is presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing a majority of voting rights of the person or the power to elect or appoint a majority of the board of directors, trustees, or other governing body of the person, unless the power is the result of an official position of, or corporate office held by, the person.

(c) Control includes either permanent or temporary control, or both.

(4) "Domestic health carrier" means a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, that is formed under the laws of this state.

(5) "Foreign health carrier" means a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, that is formed under the laws of the United States, of a state or territory of the United States other than this state, or the District of Columbia.

(6) "Health carrier holding company system" means two or more affiliated persons, one or more of which is a health care service contractor or health maintenance organization.

(7) "Health coverage business" means the business of a disability insurer authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health maintenance organization registered under chapter 48.46 RCW, entering into any policy, contract, or agreement to arrange, reimburse, or pay for health care services.

(8) "Involved carrier" means an insurer, health care service contractor, or health maintenance organization, which either acquires or is acquired, is affiliated with an acquirer or acquired, or is the result of a merger.

(9) "Person" means an individual, corporation, partnership, association, joint stock company, limited liability company, trust, unincorporated organization, similar entity, or any combination acting in concert, but does not include a joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or personal property.

(10) "Security holder" of a specified person means one who owns a security of that person, including (a) common stock, (b) preferred stock, (c) debt obligations convertible into the right to acquire voting securities, and any other security convertible into or evidencing the right to acquire (a) through (c) of this subsection.

(11) "Subsidiary" of a specified person means an affiliate controlled by that person directly or indirectly through one or more intermediaries.

(12) "Voting security" includes a security convertible into or evidencing a right to acquire a voting security.

[2001 c 179 § 1.]

RCW 48.31C.020 Acquisition of a foreign health carrier--Preacquisition notification--Review.

(1) No person may acquire control of a foreign health carrier registered to do business in this state unless a preacquisition notification is filed with the commissioner under this section and the waiting period has expired. If a preacquisition notification is not filed with the commissioner an involved carrier may be subject to an order under subsection (3) of this section. The acquired person may file a preacquisition notification.

(a) The preacquisition notification must be in the form and contain the information prescribed by the commissioner. The commissioner may require additional material and information necessary to determine whether the proposed acquisition, if consummated, would have the effect of substantially lessening competition, or tending to create a monopoly, in the health coverage business in this state. The required information may include an opinion of an economist as to the competitive impact of the acquisition in this state accompanied by a summary of the education and experience of the person indicating his or her ability to render an informed opinion.

(b) The waiting period required under this section begins on the date the commissioner receives the preacquisition notification and ends on the earlier of the sixtieth day after the date of the receipt by the commissioner of the preacquisition notification or the termination of the waiting period by the commissioner. Before the end of the waiting period, the commissioner may require the submission of additional needed information relevant to the proposed acquisition. If additional information is required, the waiting period ends on the earlier of the thirtieth day after the commissioner has received the additional information or the termination of the waiting period by the commissioner.

(2)(a) The commissioner may enter an order under subsection (3)(a) of this section with respect to an acquisition if:

(i) The health carrier fails to file adequate information in compliance with subsection (1)(a) of this section; or

(ii) The antitrust section of the office of the attorney general and any federal antitrust

enforcement agency has chosen not to undertake a review of the proposed acquisition and the commissioner pursuant to his or her own review finds that there is substantial evidence that the effect of the acquisition may substantially lessen competition or tend to create a monopoly in the health coverage business.

(b) If the antitrust section of the office of the attorney general undertakes a review of the proposed transaction then the attorney general shall seek input from the commissioner throughout the review.

(c) If the antitrust section of the office of the attorney general does not undertake a review of the proposed acquisition and the review is being conducted by the commissioner, then the commissioner shall seek input from the attorney general throughout the review.

(3)(a)(i) If an acquisition violates the standards of this section, the commissioner may enter an order:

(A) Requiring an involved carrier to cease and desist from doing business in this state with respect to business as a health care service contractor or health maintenance organization; or

(B) Denying the application of an acquired or acquiring carrier for a license, certificate of authority, or registration to do business in this state.

(ii) The commissioner may not enter the order unless:

(A) There is a hearing;

(B) Notice of the hearing is issued before the end of the waiting period and not less than fifteen days before the hearing; and

(C) The hearing is concluded and the order is issued no later than thirty days after the conclusion of the hearing.

Every order must be accompanied by a written decision of the commissioner setting forth his or her findings of fact and conclusions of law.

(iii) An order entered under (a) of this subsection may not become final earlier than thirty days after it is issued, during which time the involved carrier may submit a plan to remedy the anticompetitive impact of the acquisition within a reasonable time. Based upon the plan or other information, the commissioner shall specify the conditions, if any, under the time period during which the aspects of the acquisition causing a violation of the standards of this section would be remedied and the order vacated or modified.

(iv) An order under (a) of this subsection does not apply if the acquisition is not consummated.

(b) A person who violates a cease and desist order of the commissioner under (a) of this subsection and while the order is in effect, may, after notice and hearing and upon order of the commissioner, be subject at the discretion of the commissioner to one or more of the following:

(i) A monetary penalty of not more than ten thousand dollars for every day of violation;

or

(ii) Suspension or revocation of the person's license, certificate of authority, or registration; or

(iii) Both (b)(i) and (b)(ii) of this subsection.

(c) A carrier or other person who fails to make a filing required by this section and who

also fails to demonstrate a good faith effort to comply with the filing requirement, is subject to a civil penalty of not more than fifty thousand dollars.

(4) An order may not be entered under subsection (3)(a) of this section if:

(a) The acquisition will yield substantial economies of scale or economies in resource use that cannot be feasibly achieved in any other way, and the public benefits that would arise from the economies exceed the public benefits that would arise from more competition; or

(b) The acquisition will substantially increase the availability of health care coverage, and the public benefits of the increase exceed the public benefits that would arise from more competition.

(5)(a) RCW 48.31C.080 (2) and (3) and 48.31C.090 do not apply to acquisitions covered under this section.

(b) This section does not apply to the following:

(i) An acquisition subject to approval or disapproval by the commissioner under RCW 48.31C.030;

(ii) A purchase of securities solely for investment purposes so long as the securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in the health coverage business in this state;

(iii) The acquisition of a person by another person when neither person is directly, nor through affiliates, primarily engaged in the business of a domestic or foreign health carrier, if preacquisition notification is filed with the commissioner in accordance with subsection (1) of this section sixty days before the proposed effective date of the acquisition. However, preacquisition notification is not required for exclusion from this section if the acquisition would otherwise be excluded from this section by this subsection (5)(b);

(iv) The acquisition of already affiliated persons;

(v) An acquisition if, as an immediate result of the acquisition:

(A) In no market would the combined market share of the involved carriers exceed five percent of the total market;

(B) There would be no increase in any market share; or

(C) In no market would:

(I) The combined market share of the involved carriers exceed twelve percent of the total market; and

(II) The market share increase by more than two percent of the total market.

For the purpose of (b)(v) of this subsection, "market" means direct written premium in this state for a line of business as contained in the annual statement required to be filed by carriers licensed to do business in this state;

(vi) An acquisition of a health carrier whose domiciliary commissioner affirmatively finds: That the health carrier is in failing condition; there is a lack of feasible alternatives to improving such a condition; and the public benefits of improving the health carrier's condition through the acquisition exceed the public benefits that would arise from more competition, and the findings are communicated by the domiciliary commissioner to the commissioner of this state.

[2001 c 179 § 2.]

RCW 48.31C.030 Acquisition of a domestic health carrier--Filing--Review--Jurisdiction of courts.

(1) No person may acquire control of a domestic health carrier unless the person has filed with the commissioner and has sent to the health carrier a statement containing the information required by this section and the acquisition has been approved by the commissioner as prescribed in this section.

(2) The statement to be filed with the commissioner under this section must be made under oath or affirmation and must contain the following information:

(a) The name and address of the acquiring party. For purposes of this section, "acquiring party" means each person by whom or on whose behalf the acquisition of control under subsection (1) of this section is to be effected:

(i) If the acquiring party is an individual, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years;

(ii) If the acquiring party is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as the person and any predecessors have been in existence; an informative description of the business intended to be done by the person's subsidiaries; any convictions of crimes during the past ten years; and a list of all individuals who are or who have been selected to become directors, trustees, or executive officers of the person, or who perform or will perform functions appropriate to those positions. The list must include for each such individual the information required by (a)(i) of this subsection.

(b) The source, nature, and amount of the consideration used or to be used in effecting the acquisition of control, a description of any transaction in which funds were or are to be obtained for any such purpose, including a pledge of assets, a pledge of the health carrier's stock, or the stock of any of its subsidiaries or controlling affiliates, and the identity of persons furnishing the consideration. However, where a source of the consideration is a loan made in the lender's ordinary course of business, the identity of the lender must remain confidential if the person filing the statement so requests.

(c) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each acquiring party, or for such lesser period as the acquiring party and any predecessors have been in existence, and similar unaudited information as of a date not earlier than ninety days before the filing of the statement. If the acquiring party and any predecessor has not had fully audited financial statements prepared during any of the preceding five years, then reviewed financial statements may be substituted for those years, except for the latest fiscal year which must be fully audited financial statements.

(d) Any plans or proposals that each acquiring party may have to liquidate the health carrier, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

(e) The number of shares of any security or number and description of other voting rights

referred to in RCW 48.31C.010(3) that each acquiring party proposes to acquire, the terms of the offer, request, invitation, agreement, or acquisition under RCW 48.31C.010(3), and a statement as to the method by which the fairness of the proposal was arrived at.

(f) The amount of each class of any security referred to in RCW 48.31C.010(3) that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

(g) A full description of any contracts, arrangements, or understandings with respect to any security referred to in RCW 48.31C.010(3) in which an acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. The description must identify the persons with whom the contracts, arrangements, or understandings have been entered into.

(h) A description of the purchase of any security referred to in RCW 48.31C.010(3) during the twelve calendar months before the filing of the statement, by an acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid for the security.

(i) A description of any recommendations to purchase any security referred to in RCW 48.31C.010(3) made during the twelve calendar months before the filing of the statement, by an acquiring party, or by anyone based upon interviews with outside parties or at the suggestion of the acquiring party.

(j) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in RCW 48.31C.010(3), and, if distributed, of additional soliciting material relating to the securities.

(k) The term of an agreement, contract, or understanding made with or proposed to be made with a broker-dealer as to solicitation or securities referred to in RCW 48.31C.010(3) for tender, and the amount of fees, commissions, or other compensation to be paid to broker-dealers with regard to the securities.

(l) Such additional information as the commissioner may prescribe by rule as necessary or appropriate for the protection of subscribers of the health carrier or in the public interest.

If the person required to file the statement referred to in subsection (1) of this section is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information required under (a) through (l) of this subsection must be given with respect to each partner of the partnership or limited partnership, each member of the syndicate or group, and each person who controls a partner or member. If a partner, member, or person is a corporation, or the person required to file the statement referred to in subsection (1) of this section is a corporation, the commissioner may require that the information required under (a) through (l) of this subsection must be given with respect to the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of the corporation.

If a material change occurs in the facts set forth in the statement filed with the commissioner and sent to the health carrier under this section, an amendment setting forth the

change, together with copies of all documents and other material relevant to the change, must be filed with the commissioner and sent to the health carrier within two business days after the person learns of the change.

(3) If an offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (1) of this section may use those documents in furnishing the information called for by that statement.

(4) The commissioner shall approve an exchange or other acquisition of control referred to in this section within sixty days after he or she declares the statement filed under this section to be complete and if a hearing is requested by the commissioner or either party to the transaction, after holding a public hearing. Unless the commissioner declares the statement to be incomplete and requests additional information, the statement is deemed complete sixty days after receipt of the statement by the commissioner. If the commissioner declares the statement to be incomplete and requests additional information, the sixty-day time period in which the statement is deemed complete shall be tolled until fifteen days after receipt by the commissioner of the additional information. If the commissioner declares the statement to be incomplete, the commissioner shall promptly notify the person filing the statement of the filing deficiencies and shall set forth with specificity the additional information required to make the filing complete. At the hearing, the person filing the statement, the health carrier, and any person whose significant interest is determined by the commissioner to be affected may present evidence, examine and cross-examine witnesses, and offer oral and written arguments, and in connection therewith may conduct discovery proceedings in the same manner as is allowed in the superior court of this state. All discovery proceedings must be concluded not later than three business days before the commencement of the public hearing.

(5)(a) The commissioner shall approve an acquisition of control referred to in subsection (1) of this section unless, after a public hearing, he or she finds that:

(i) After the change of control, the domestic health carrier referred to in subsection (1) of this section would not be able to satisfy the requirements for registration as a health carrier;

(ii) The antitrust section of the office of the attorney general and any federal antitrust enforcement agency has chosen not to undertake a review of the proposed acquisition and the commissioner pursuant to his or her own review finds that there is substantial evidence that the effect of the acquisition may substantially lessen competition or tend to create a monopoly in the health coverage business.

If the antitrust section of the office of the attorney general does not undertake a review of the proposed acquisition and the review is being conducted by the commissioner, then the commissioner shall seek input from the attorney general throughout the review.

If the antitrust section of the office of the attorney general undertakes a review of the proposed transaction then the attorney general shall seek input from the commissioner throughout the review. As to the commissioner, in making this determination:

(A) The informational requirements of RCW 48.31C.020(1)(a) apply;

(B) The commissioner may not disapprove the acquisition if the commissioner finds that:

(I) The acquisition will yield substantial economies of scale or economies in resource use that cannot be feasibly achieved in any other way, and the public benefits that would arise from the economies exceed the public benefits that would arise from more competition; or

(II) The acquisition will substantially increase or will prevent significant deterioration in the availability of health care coverage, and the public benefits of the increase exceed the public benefits that would arise from more competition;

(C) The commissioner may condition the approval of the acquisition on the removal of the basis of disapproval, as follows, within a specified period of time:

(I) The financial condition of an acquiring party is such as might jeopardize the financial stability of the health carrier, or prejudice the interest of its subscribers;

(II) The plans or proposals that the acquiring party has to liquidate the health carrier, sell its assets, consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to subscribers of the health carrier and not in the public interest;

(III) The competence, experience, and integrity of those persons who would control the operation of the health carrier are such that it would not be in the interest of subscribers of the health carrier and of the public to permit the merger or other acquisition of control; or

(IV) The acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

(b) The commissioner may retain at the acquiring person's expense any attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing the proposed acquisition of control. All reasonable costs of a hearing held under this section, as determined by the commissioner, including reasonable costs associated with the commissioner's use of investigatory, professional, and other necessary personnel, mailing of required notices and other information, and use of equipment or facilities, must be paid before issuance of the commissioner's order by the acquiring person.

(c) The commissioner may condition approval of an acquisition on the removal of the basis of disapproval within a specified period of time.

(6) Upon the request of a party to the acquisition the commissioner may order that this section does not apply to an offer, request, invitation, agreement, or acquisition as:

(a) Not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic health carrier; or

(b) Otherwise not comprehended within the purposes of this section.

(7) The following are violations of this section:

(a) The failure to file a statement, amendment, or other material required to be filed under subsection (1) or (2) of this section; or

(b) The effectuation or an attempt to effectuate an acquisition of control of a domestic health carrier unless the commissioner has given approval.

(8) The courts of this state have jurisdiction over every person not resident, domiciled, or authorized to do business in this state who files a statement with the commissioner under this

section, and over all actions involving that person arising out of violations of this section, and such a person has performed acts equivalent to and constituting an appointment by that person of the commissioner to be the person's true and lawful attorney upon whom may be served all lawful process in an action, suit, or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such a person at the person's last known address.

[2001 c 179 § 3.]

RCW 48.31C.040 Registration with commissioner--Information required--Rule making--Disclaimer of affiliation--Failure to file.

(1) Every health carrier registered to do business in this state that is a member of a health carrier holding company system shall register with the commissioner, except a foreign health carrier subject to registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in:

- (a) This section;
- (b) RCW 48.31C.050(1) and 48.31C.060; and
- (c) Either RCW 48.31C.050(1)(b) or a provision such as the following: Each registered health carrier shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within fifteen days after the end of the month in which it learns of each change or addition.

A health carrier subject to registration under this section shall register within one hundred twenty days of May 7, 2001, and thereafter within fifteen days after it becomes subject to registration, and annually thereafter by May 15th of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within the extended time. The commissioner may require a health carrier authorized to do business in the state that is a member of a health carrier holding company system, but that is not subject to registration under this section, to furnish a copy of the registration statement, the summary specified in subsection (3) of this section, or other information filed by the health carrier with the regulatory authority of its domiciliary jurisdiction.

(2) A health carrier subject to registration shall file the registration statement on a form prescribed by the commissioner, containing the following current information:

- (a) The capital structure, general financial condition, ownership, and management of the health carrier and any person controlling the health carrier;
- (b) The identity and relationship of every member of the health carrier holding company system;
- (c) The following agreements in force, and transactions currently outstanding or that have occurred during the last calendar year between the health carrier and its affiliates:
 - (i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the health carrier or of the health carrier by its affiliates;
 - (ii) Purchases, sales, or exchange of assets;
 - (iii) Transactions not in the ordinary course of business;
 - (iv) Guarantees or undertakings for the benefit of an affiliate that result in an actual

contingent exposure of the health carrier's assets to liability, other than subscriber contracts entered into in the ordinary course of the health carrier's business;

(v) All management agreements, service contracts, and cost-sharing arrangements;

(vi) Reinsurance agreements;

(vii) Dividends and other distributions to shareholders; and

(viii) Consolidated tax allocation agreements;

(d) Any pledge of the health carrier's stock, including stock of a subsidiary or controlling affiliate, for a loan made to a member of the health carrier holding company system; and

(e) Other matters concerning transactions between registered health carriers and affiliates as may be included from time to time in registration forms adopted or approved by the commissioner by rule.

(3) Registration statements must contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(4) No information need be disclosed on the registration statement filed under subsection (2) of this section if the information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees, involving two percent or less of a health carrier's admitted assets as of the 31st day of the previous December are not material for purposes of this section.

(5) A person within a health carrier holding company system subject to registration shall provide complete and accurate information to a health carrier, where the information is reasonably necessary to enable the health carrier to comply with this chapter.

(6) The commissioner shall terminate the registration of a health carrier under this section that demonstrates that it no longer is a member of a health carrier holding company system.

(7) The commissioner may require or allow two or more affiliated health carriers subject to registration under this section to file a consolidated registration statement.

(8) The commissioner may allow a health carrier registered to do business in this state and part of a health carrier holding company system to register on behalf of an affiliated health carrier that is required to register under subsection (1) of this section and to file all information and material required to be filed under this section.

(9) This section does not apply to a health carrier, information, or transaction if, and to the extent that, the commissioner by rule or order exempts the health carrier, information, or transaction from this section.

(10) A person may file with the commissioner a disclaimer of affiliation with an authorized health carrier, or a health carrier or a member of a health carrier holding company system may file the disclaimer. The disclaimer must fully disclose all material relationships and bases for affiliation between the person and the health carrier as well as the basis for disclaiming the affiliation. After a disclaimer has been filed, the health carrier is relieved of any duty to register or report under this section that may arise out of the health carrier's relationship with the person unless and until the commissioner disallows the disclaimer. The commissioner shall disallow the disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance.

(11) Failure to file a registration statement or a summary of the registration statement required by this section within the time specified for the filing is a violation of this section.

[2001 c 179 § 4.]

RCW 48.31C.050 Health carrier subject to registration--Standards for transactions within a holding company system--Notice to commissioner--Review.

(1) Transactions within a health carrier holding company system to which a health carrier subject to registration is a party are subject to the following standards:

- (a) The terms must be fair and reasonable;
- (b) Charges or fees for services performed must be fair and reasonable;
- (c) Expenses incurred and payment received must be allocated to the health carrier in conformity with customary statutory accounting practices consistently applied;
- (d) The books, accounts, and records of each party to all such transactions must be so maintained as to clearly and accurately disclose the nature and details of the transactions, including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and

(e) The health carrier's net worth after the transaction must exceed the health carrier's company action level risk-based capital. In addition, the commissioner may disapprove a transaction if the health carrier's risk-based capital net worth is less than the product of 2.5 and the health carrier's authorized control level risk-based capital and the commissioner reasonably believes that the health carrier's net worth is at risk of falling below its company action level risk-based capital due to anticipated future financial losses not reflected in the risk-based capital calculation. This subsection (1)(e) does not prohibit transactions that improve or help maintain the health carrier's net worth.

(2) The following transactions, excepting those transactions which are subject to approval by the commissioner elsewhere within this title, involving a domestic health carrier and a person in its health carrier holding company system may not be entered into unless the health carrier has notified the commissioner in writing of its intention to enter into the transaction and the commissioner does not declare the notice to be incomplete at least thirty days before, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period. Unless the commissioner declares the notice to be incomplete and requests additional information, the notice is deemed complete thirty days after receipt of the notice by the commissioner. If the commissioner declares the notice to be incomplete, the thirty-day time period in which the notice is deemed complete shall be tolled until fifteen days after the receipt by the commissioner of the additional information:

(a) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments if the transactions are equal to or exceed the lesser of (i) two months of the health carrier's annualized claims and administrative costs, (ii) five percent of the health carrier's admitted assets, or (iii) twenty-five percent of net worth, as of the 31st day of the previous December;

(b) Loans or extensions of credit to any person who is not an affiliate, if the health carrier makes the loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of

credit to, to purchase assets of, or to make investments in, an affiliate of the health carrier making the loans or extensions of credit, if the transactions are equal to or exceed the lesser of (i) two months of the health carrier's annualized claims and administrative costs, (ii) three percent of the health carrier's admitted assets, or (iii) twenty-five percent of net worth, as of the 31st day of the previous December;

(c) Reinsurance agreements or modifications to them in which the reinsurance premium or a change in the health carrier's liabilities equals or exceeds five percent of the health carrier's net worth, as of the 31st day of the previous December, including those agreements that may require as consideration the transfer of assets from a health carrier to a nonaffiliate, if an agreement or understanding exists between the health carrier and nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the health carrier;

(d) Management agreements, service contracts, and cost-sharing arrangements; and

(e) Other acquisitions or dispositions of assets involving more than five percent of the health carrier's admitted assets, specified by rule, that the commissioner determines may adversely affect the interests of the health carrier's subscribers.

(3) A domestic health carrier may not enter into transactions that are part of a plan or series of like transactions with persons within the health carrier holding company system if the aggregate amount of the transactions within a twelve-month period exceed the statutory threshold amount. If the commissioner determines that the separate transactions entered into over a twelve-month period exceed the statutory threshold amount, the commissioner may apply for an order as described in RCW 48.31C.080(1).

(4) The commissioner, in reviewing transactions under subsection (2) of this section, shall consider whether the transactions comply with the standards set forth in subsection (1) of this section.

(5) If a health carrier complies with the terms of a management agreement, service contract, or cost-sharing agreement that has not been disapproved by the commissioner under subsection (2) of this section, then the health carrier is not required to obtain additional approval from the commissioner for individual transactions conducted under the terms of the management agreement, service contract, or cost-sharing agreement. The commissioner, however, retains the authority to examine the individual transactions to determine their compliance with the terms of the management agreement, service contract, or cost-sharing agreement and subsection (1) of this section.

(6) This section does not authorize or permit a transaction that, in the case of a health carrier not a member of the same health carrier holding company system, would be otherwise contrary to law.

[2001 c 179 § 5.]

RCW 48.31C.060 Extraordinary dividends or distributions--Restrictions--Definition of distribution.

(1)(a) Subject to subsection (2) of this section, each registered health carrier shall report to the commissioner all dividends and other distributions to shareholders or members not within the ordinary course of business within five business days after their declaration and at least

fifteen business days before payment and shall provide the commissioner such other information as may be required by rule.

(b) Any payment of a dividend or other distribution to shareholders or members which would reduce the net worth of the health carrier below the greater of (i) the minimum required by RCW 48.44.037 for a health care service contractor or RCW 48.46.235 for a health maintenance organization or (ii) the company action level RBC under RCW 48.43.300(9)(a) is prohibited.

(2)(a) No domestic health carrier may pay an extraordinary dividend or make any other extraordinary distribution to its shareholders or members until: (i) Thirty days after the commissioner has received sufficient notice of the declaration, unless the commissioner declares the notice to be incomplete and requests additional information in which event the thirty days shall be tolled until fifteen days after receipt by the commissioner of the additional information or thirty days after the original receipt of the notice by the commissioner, whichever is later, and the commissioner has not within that period disapproved the payment; or (ii) the commissioner has approved the payment within the thirty-day period.

(b) For purposes of this section, an extraordinary dividend or distribution is a dividend or distribution of cash or other property whose fair market value, together with that of other dividends or distributions not within the ordinary course of business made within the period of twelve consecutive months ending on the date on which the proposed dividend is scheduled for payment or distribution, exceeds the lesser of: (i) Ten percent of the health carrier's net worth as of the 31st day of the previous December; or (ii) the net income of the health carrier for the twelve-month period ending the 31st day of the previous December, but does not include pro rata distributions of any class of the company's own securities.

(c) Notwithstanding any other provision of law, a health carrier may declare an extraordinary dividend or distribution that is conditional upon the commissioner's approval. The declaration confers no rights upon shareholders or members until: (i) The commissioner has approved the payment of the dividend or distribution; or (ii) the commissioner has not disapproved the payment within the thirty-day period referred to in (a) of this subsection.

(3) For the purpose of this section, "distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrence of indebtedness by a health carrier to or for the benefit of its members or shareholders in respect to any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a distribution in partial or complete liquidation, or upon voluntary or involuntary dissolution; a purchase, redemption, or other acquisition of shares; or a distribution of indebtedness in respect to any of its shares. It does not include any remuneration to a shareholder or member made as consideration for services or items provided by such shareholder or member, including but not limited to remuneration in exchange for health care services, equipment or supplies, or administrative support services or equipment.

[2001 c 179 § 6.]

RCW 48.31C.070 Examination of health carriers--Commissioner may order production of information--Failure to comply--Costs.

(1) Subject to the limitation contained in this section and in addition to the powers that

the commissioner has under RCW 48.44.145 relating to the examination of health care service contractors and under RCW 48.46.120 relating to the examination of health maintenance organizations, the commissioner also may order a health carrier registered under RCW 48.31C.040 to produce such records, books, or other information papers in the possession of the health carrier or its affiliates as are reasonably necessary to ascertain the financial condition of the health carrier or to determine compliance with this title. If the health carrier fails to comply with the order, the commissioner may examine the affiliates to obtain the information.

(2) The commissioner may retain at the registered health carrier's expense those attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as are reasonably necessary to assist in the conduct of the examination under subsection (1) of this section. Persons so retained are under the direction and control of the commissioner and shall act in a purely advisory capacity.

(3) Each registered health carrier producing for examination records, books, and papers under subsection (1) of this section are liable for and shall pay the expense of the examination in accordance with RCW 48.03.060.

(4) Chapter 48.03 RCW applies to this chapter except to the extent expressly modified by this chapter.

[2001 c 179 § 7.]

RCW 48.31C.080 Violations of chapter--Commissioner may seek superior court order.

(1) Whenever it appears to the commissioner that a health carrier or a director, officer, employee, or agent of the health carrier has committed or is about to commit a violation of this chapter or any rule or order of the commissioner under this chapter, the commissioner may apply to the superior court for Thurston county or to the court for the county in which the principal office of the health carrier is located for an order enjoining the health carrier or the director, officer, employee, or agent from violating or continuing to violate this chapter or any such rule or order, and for such other equitable relief as the nature of the case and the interest of the health carrier's subscribers or the public may require.

(2) No security that is the subject of an agreement or arrangement regarding acquisition, or that is acquired or to be acquired, in contravention of this chapter or of a rule or order of the commissioner under this chapter may be voted at a shareholders' meeting, or may be counted for quorum purposes. Any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though the securities were not issued and outstanding, but no action taken at any such meeting may be invalidated by the voting of the securities, unless the action would materially affect control of the health carrier or unless the courts of this state have so ordered. If a health carrier or the commissioner has reason to believe that a security of the health carrier has been or is about to be acquired in contravention of this chapter or of a rule or order of the commissioner under this chapter, the health carrier or the commissioner may apply to the superior court for Thurston county or to the court for the county in which the health carrier has its principal place of business to enjoin an offer, request, invitation, agreement, or acquisition made in contravention of RCW 48.31C.030 or a rule or order of the commissioner under that section to enjoin the voting of a security so acquired, to void a vote of the security already cast at

a meeting of shareholders, and for such other relief as the nature of the case and the interest of the health carrier's subscribers or the public may require.

(3) If a person has acquired or is proposing to acquire voting securities in violation of this chapter or a rule or order of the commissioner under this chapter, the superior court for Thurston county or the court for the county in which the health carrier has its principal place of business may, on such notice as the court deems appropriate, upon the application of the health carrier or the commissioner seize or sequester voting securities of the health carrier owned directly or indirectly by the person, and issue such order with respect to the securities as may be appropriate to carry out this chapter.

(4) Notwithstanding any other provisions of law, for the purposes of this chapter, the situs of the ownership of the securities of domestic health carriers is in this state.

(5) Subsections (2) and (3) of this section do not apply to acquisitions under RCW 48.31C.020.

[2001 c 179 § 8.]

RCW 48.31C.090 Violations of chapter--Penalties--Civil forfeitures--Orders--Referral to prosecuting attorney--Imprisonment.

(1) The commissioner may require, after notice and hearing, a health carrier failing, without just cause, to file a registration statement as required in this chapter, to pay a penalty of not more than ten thousand dollars per day. The maximum penalty under this section is one million dollars. The commissioner may reduce the penalty if the health carrier demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the health carrier. The commissioner shall transfer a fine collected under this section to the state treasurer for deposit into the general fund.

(2) Every director or officer of a health carrier holding company system who knowingly violates this chapter, or participates in, or assents to, or who knowingly permits an officer or agent of the health carrier to engage in transactions or make investments that have not been properly reported or submitted under RCW 48.31C.040(1), 48.31C.050(2), or 48.31C.060, or that violate this chapter, shall pay, in their individual capacity, a civil forfeiture of not more than ten thousand dollars per violation, after notice and hearing. In determining the amount of the civil forfeiture, the commissioner shall take into account the appropriateness of the forfeiture with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

(3) Whenever it appears to the commissioner that a health carrier subject to this chapter, or a director, officer, employee, or agent of the health carrier, has engaged in a transaction or entered into a contract that is subject to RCW 48.31C.050 and 48.31C.060 and that would not have been approved had approval been requested, the commissioner may order the health carrier to cease and desist immediately any further activity under that transaction or contract. After notice and hearing the commissioner may also order the health carrier to void any such contracts and restore the status quo if that action is in the best interest of the subscribers or the public.

(4) Whenever it appears to the commissioner that a health carrier or a director, officer, employee, or agent of the health carrier has committed a willful violation of this chapter, the

commissioner may refer the matter to the prosecuting attorney of Thurston county or the county in which the principal office of the health carrier is located. A health carrier that willfully violates this chapter may be fined not more than one million dollars. Any individual who willfully violates this chapter may be fined in his or her individual capacity not more than ten thousand dollars, or be imprisoned for not more than three years, or both.

(5) An officer, director, or employee of a health carrier holding company system who willfully and knowingly subscribes to or makes or causes to be made a false statement, false report, or false filing with the intent to deceive the commissioner in the performance of his or her duties under this chapter, upon conviction thereof, shall be imprisoned for not more than three years or fined not more than ten thousand dollars or both. The officer, director, or employee upon whom the fine is imposed shall pay the fine in his or her individual capacity.

(6) This section does not apply to acquisitions under RCW 48.31C.020.

[2001 c 179 § 9.]

RCW 48.31C.100 Violations of chapter--Impairment of financial condition.

Whenever it appears to the commissioner that a person has committed a violation of this chapter that so impairs the financial condition of a domestic health carrier as to threaten insolvency or make the further transaction of business by it hazardous to its subscribers or the public, the commissioner may proceed as provided in RCW 48.31.030 and 48.31.040 to take possession of the property of the domestic health carrier and to conduct the business of the health carrier.

[2001 c 179 § 10.]

RCW 48.31C.110 Order for liquidation or rehabilitation--Recovery of distributions or payments--Liability--Maximum amount recoverable.

(1) If an order for liquidation or rehabilitation of a domestic health carrier has been entered, the receiver appointed under the order may recover on behalf of the health carrier:

(a) From a parent corporation or a holding company, a person, or an affiliate, who otherwise controlled the health carrier, the amount of distributions, other than distributions of shares of the same class of stock, paid by the health carrier on its capital stock; or

(b) A payment in the form of a bonus, termination settlement, or extraordinary lump sum salary adjustment, made by the health carrier or its subsidiary to a director, officer, or employee; Where the distribution or payment under (a) or (b) of this subsection is made at anytime during the one year before the petition for liquidation, conservation, or rehabilitation, as the case may be, subject to the limitations of subsections (2) through (4) of this section.

(2) No such distribution is recoverable if it is shown that when paid, the distribution was lawful and reasonable, and that the health carrier did not know and could not reasonably have known that the distribution might adversely affect the ability of the health carrier to fulfill its contractual obligations.

(3) A person who was a parent corporation, a holding company, or a person, who otherwise controlled the health carrier, or an affiliate when the distributions were paid, is liable

up to the amount of distributions or payments under subsection (1) of this section the person received. A person who controlled the health carrier at the time the distributions were declared is liable up to the amount of distributions he or she would have received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they are jointly and severally liable.

(4) The maximum amount recoverable under this section is the amount needed in excess of all other available assets of the impaired or insolvent health carrier to pay the contractual obligations of the impaired or insolvent health carrier.

(5) To the extent that a person liable under subsection (3) of this section is insolvent or otherwise fails to pay claims due from it under those provisions, its parent corporation, holding company, or person, who otherwise controlled it at the time the distribution was paid, is jointly and severally liable for a resulting deficiency in the amount recovered from the parent corporation, holding company, or person, who otherwise controlled it.

[2001 c 179 § 11.]

RCW 48.31C.120 Violations of chapter--Contrary to interests of subscribers or the public.

Whenever it appears to the commissioner that a person has committed a violation of this chapter that makes the continued operation of a health carrier contrary to the interests of subscribers or the public, the commissioner may, after giving notice and an opportunity to be heard, suspend, revoke, or refuse to renew the health carrier's registration to do business in this state for such period as he or she finds is required for the protection of subscribers or the public. Such a suspension, revocation, or refusal to renew the health carrier's registration must be accompanied by specific findings of fact and conclusions of law.

[2001 c 179 § 12.]

RCW 48.31C.130 Confidential proprietary and trade secret information--Exempt from public disclosure--Exceptions.

Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070 are exempt from public inspection and copying and shall not be subject to subpoena directed to the commissioner or any person who received the confidential proprietary financial and trade secret information while acting under the authority of the commissioner. This information shall not be made public by the commissioner, the national association of insurance commissioners, or any other person, except to insurance departments of other states, without the prior written consent of the health carrier to which it pertains unless the commissioner, after giving the health carrier that would be affected by the disclosure notice and hearing under chapter 48.04 RCW, determines that the interest of policyholders, subscribers, members, shareholders, or the public will be served by the publication, in which event the commissioner may publish information related to the transactions or filings in the manner and time frame he or she reasonably deems appropriate and sensitive to the interest in preserving confidential proprietary and trade secret information. The

commissioner is authorized to use such documents, materials, or information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties. The confidentiality created by chapter 179, Laws of 2001 shall apply only to the commissioner, any person acting under the authority of the commissioner, the national association of insurance commissioners and its affiliates and subsidiaries, and the insurance departments of other states.

[2001 c 179 § 13.]

RCW 48.31C.140 Person aggrieved by actions of commissioner.

A person aggrieved by an act, determination, rule, order, or any other action of or failure to act by the commissioner under this chapter may proceed in accordance with chapters 34.05 and 48.04 RCW.

[2001 c 179 § 15.]

RCW 48.31C.150 Rule making.

The commissioner may adopt rules to implement and administer this chapter.

[2001 c 179 § 16.]

RCW 48.31C.160 Dual holding company system membership.

If an insurance company holding a certificate of authority from the commissioner under chapter 48.05 RCW is a member of both a health carrier holding company system under this chapter and an insurance holding company system under chapter 48.31B RCW, then chapter 48.31B RCW applies to the authorized insurance company.

[2001 c 179 § 17.]

RCW 48.31C.900 Severability--2001 c 179.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[2001 c 179 § 18.]

RCW 48.31C.901 Effective date--2001 c 179.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 2001].

[2001 c 179 § 19.]

**Chapter 48.32 RCW
WASHINGTON INSURANCE GUARANTY ASSOCIATION ACT**

Sections
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RCW 48.32.010 Purpose.

The purpose of this chapter is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

[1971 ex.s. c 265 § 1.]

RCW 48.32.020 Scope.

This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, workers' compensation and ocean marine insurance.

[1987 c 185 § 29; 1975-'76 2nd ex.s. c 109 § 2; 1971 ex.s. c 265 § 2.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

RCW 48.32.030 Definitions.

As used in this chapter:

(1) "Account" means one of the two accounts created in RCW 48.32.040 as now or hereafter amended.

(2) "Association" means the Washington Insurance Guaranty Association created in

RCW 48.32.040.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Covered claim" means an unpaid claim, including one for unearned premiums, which arises out of and is within the coverage of an insurance policy to which this chapter applies issued by an insurer, if such insurer becomes an insolvent insurer after the first day of April, 1971 and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise: PROVIDED, That a claim for any such amount asserted against a person insured under a policy issued by an insurer which has become an insolvent insurer, which, if it were not a claim by or for the benefit of a reinsurer, insurer, insurance pool, or underwriting association, would be a "covered claim" may be filed directly with the receiver of the insolvent insurer, but in no event may any such claim be asserted in any legal action against the insured of such insolvent insurer. In addition, "covered claim" shall not include any claim filed with the association subsequent to the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer.

(5) "Insolvent insurer" means an insurer (a) authorized to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (b) determined to be insolvent and ordered liquidated by a court of competent jurisdiction, and which adjudication was subsequent to the first day of April, 1971.

(6) "Member insurer" means any person who (a) writes any kind of insurance to which this chapter applies under RCW 48.32.020, including the exchange of reciprocal or interinsurance contracts, and (b) holds a certificate of authority to transact insurance in this state.

(7) "Net direct written premiums" means direct gross premiums written in this state on insurance policies to which this chapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

(8) "Person" means any individual, corporation, partnership, association, or voluntary organization.

[1975-'76 2nd ex.s. c 109 § 3; 1971 ex.s. c 265 § 3.]

RCW 48.32.040 Creation of the association.

There is hereby created a nonprofit unincorporated legal entity to be known as the Washington Insurance Guaranty Association. All insurers defined as member insurers in RCW 48.32.030(6) as now or hereafter amended shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under a plan of operation established and approved under RCW 48.32.070 and shall exercise its powers through a board of directors established under RCW 48.32.050 as now or hereafter amended. For purposes of administration and assessment, the association shall be divided into two separate accounts: (1) The automobile insurance account; and (2) the account for all other insurance to which this chapter applies.